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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Senegal under article 35 of the Convention, due in 2012*

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Contents

	Page
General introduction	3
Articles 1 to 4: General principles of the Convention	3
Article 5. Equality and non-discrimination	11
Article 6: Women with disabilities	13
Article 7: Children with disabilities	16
Article 8: Awareness-raising	17
Article 9: Accessibility	18
Article 10: Right to life	19
Article 11: Situations of risk and humanitarian emergencies	20
Article 12: Equal recognition before the law	21
Article 13: Access to justice	21
Article 14: Liberty and security of the person	23
Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment	25
Article 16: Freedom from exploitation, violence and abuse	26
Article 17: Protecting the integrity of the person	26
Article 18: Liberty of movement and nationality	27
Article 19: Living independently and being included in the community	28
Article 20: Personal mobility	29
Article 21: Freedom of expression and opinion, and access to information	30
Article 22: Respect for privacy	31
Article 23: Respect for home and the family	32
Article 24: Education	32
Article 25: Health	34
Article 26: Habilitation and rehabilitation	36
Article 27: Work and employment	37
Article 28: Adequate standard of living and social protection	38
Article 29: Participation in political and public life	39
Article 30: Participation in cultural life, recreation, leisure and sport	40
Article 31: Statistics and data collection	40
Article 32: International cooperation	41
Article 33: National implementation and monitoring	42
Indicative bibliography	43

General introduction

1. Senegal ratified the Convention on the Rights of Persons with Disabilities by Act No. 2009-30 of 2 December 2009. The Convention has thus become part of the internal legal order of Senegal and, in accordance with article 98 of the Constitution, takes precedence over other laws of the land. As at that date, the Convention, like the Constitution and the nation's other laws and regulations, constitutes part of the body of domestic law that the organs of the State are under an obligation to enforce.

2. This initial report has been prepared pursuant to article 35 of the Convention on the Rights of Persons with Disabilities, which Senegal ratified on 2 October 2009.

3. The promotion of the rights of persons with disabilities is of concern to the authorities of Senegal and particularly the President of the Republic, Mr. Macky Sall. Following his assumption of office as the Head of State, his commitment to this issue led him to sign the first implementing decree of Social Framework Act No. 2010-15 of 6 July 2010, which provides for the promotion and protection of the rights of persons with disabilities.

4. The conceptual approach to disability has undergone an evolutionary change over the past 30 years which has resulted in the development of the following definition: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others."

5. Matters pertaining to disability constitute a development issue by virtue of their close linkage with poverty. The presence of a disability may place a person at greater risk of poverty, and persons with disabilities and their families are more likely to find themselves at an economic and social disadvantage and are more likely to be subject to harmful practices than other persons are.

6. The participatory methodology used in the preparation of this report involved two major stages:

- First, following a desk study and field surveys covering a number of different institutions, an initial draft was prepared by the Human Rights Directorate of the Ministry of Justice
- Subsequently, under the technical oversight of the Ministry of Health and Social Action, the report was augmented with inputs from a workshop that was held for all disability stakeholders

7. The report was then submitted for comments to the Senegalese Human Rights Committee, which is the country's national human rights institution, and to the National Human Rights Advisory Council, which is the government agency in charge of the protection and promotion of human rights.

8. This report provides general information on the legal order and on programmatic arrangements for the implementation of national public policies on disability issues.

Articles 1 to 4: General principles of the Convention

9. Articles 1 to 4 of the Convention describe its purpose and general principles, define a number of concepts and set out the general obligations of States parties.

10. According to the results of the 2013 general population census, 59 out of every 1,000 Senegalese have some sort of disability. The ratio of men to women within the population with disabilities is 88:100. The most common types of disabilities are difficulty in walking and sight impairments (1.5 per cent of the population each), followed by difficulty in concentrating (0.8 per cent), hearing impairments (0.6 per cent) and self-care disabilities (0.5 per cent).

11. In regional terms, the highest disability rates are found in the Ziguinchor and Matam regions (8.1 per cent each) and the lowest in the Diourbel and Kaolack regions (5 per cent).

12. There is no one single definition of disability in Senegal; instead, there are a number of different definitions that refer to differing sets of criteria.

13. For the purposes of this report, the concept of disability is defined on the basis of the general population census as a characteristic that distinguishes the group of persons living with a disability from other population groups. In general terms, disability relates to the interaction between a person's functional capabilities and his or her physical, cultural and political environment. More specifically, persons with disabilities are defined as those persons who are at greater risk than the general population of experiencing restrictions in the performance of certain tasks or participating in role activities. This group generally includes persons who experience difficulty in performing basic activities, such as walking or hearing, for example, even if such limitations are ameliorated by the use of assistive devices, a supportive environment and/or plentiful resources. In some cases, persons with disabilities may not have difficulty in performing well-defined tasks, such as bathing or dressing themselves, for example, or in engaging in role activities, such as working, thanks to the necessary adjustments having been made at the individual level or in their surroundings. That having been said, these persons are at greater risk than the general population of encountering limitations in the performance of certain activities or in their participation in a given endeavour. They may have difficulty in performing basic activities, and their opportunities for participation may be restricted if the appropriate accommodations are not made.

Variables

Vision and hearing

14. Devices such as eyeglasses compensate almost entirely for some persons' vision problems. If these were not taken into account, the number of persons with impaired vision would be overestimated. The same holds true for persons with hearing impairments. The procedure used for the general population, housing, agriculture and livestock census in order to deal with this situation is for the census-taker to pose questions regarding vision impairments even when eyeglasses are habitually worn and about hearing impairments even when hearing aids are used.

Walking

15. The ability to walk is a sound indicator of a basic physical function, and its impairment is one of the main causes of limited participation. It is also a basic activity whose performance can be indicated by the person in question.

Cognition

16. Intellectual capacities are the area in which disabilities are the most difficult to determine or define. Cognition includes many functions, such as remembering, concentrating, decision-making, understanding spoken and written language, finding one's way or following a map, doing mathematical calculations, reading and thinking. The criteria used in this connection are primarily the ability to remember, to concentrate and to communicate. The ability to read and to perform mathematical calculations or other learned tasks depends on other factors, such as the education system, for example.

Status and structure of the population of persons with disabilities

1. Disability rates at the national level and by place of residence

17. In 2013, the disability rate for the Senegalese population as a whole (over 1 year of age) was 5.9 per cent. The rate was higher for women than for men (6.2 per cent versus 5.6 per cent). The difference in the disability rates for women and men was greater in urban areas (6.3 per cent versus 5.3 per cent) than in rural areas (5.8 per cent versus 6.1 per cent).

Overall, the disability rate was higher in rural areas (6.0 per cent) than in urban ones (5.8 per cent), although the difference is quite small.

18. Among the different types of limitations and the degree of difficulty that they entail, disaggregated by place of residence, it appears that, nationwide, vision impairments and difficulty in walking are the most common disabilities, since each of these conditions affects 1.5 per cent of the population. Hearing impairments, difficulty in concentrating and self-care disabilities are much less common, affecting 0.6 per cent, 0.8 per cent and 0.5 per cent of the population, respectively. The same relative frequencies prevail regardless of place of residence, with visual and motor impairments being the most common types of disabilities in both urban and rural areas. A breakdown of the figures on degree of difficulty by place of residence and functional category shows that the largest group is made up of persons who experience "some degree of difficulty". Of the 5.9 per cent of the country's population made up of persons with disabilities, 4.2 per cent experience "some degree of difficulty" (the mildest disability category). When the figures are disaggregated by place of residence, they indicate that the mildest disability category (some degree of difficulty) is the largest (4.3 per cent in urban areas and 4.2 per cent in rural areas).

Table 1
Disability rate (percentages), by functional category and degree of difficulty, 2013

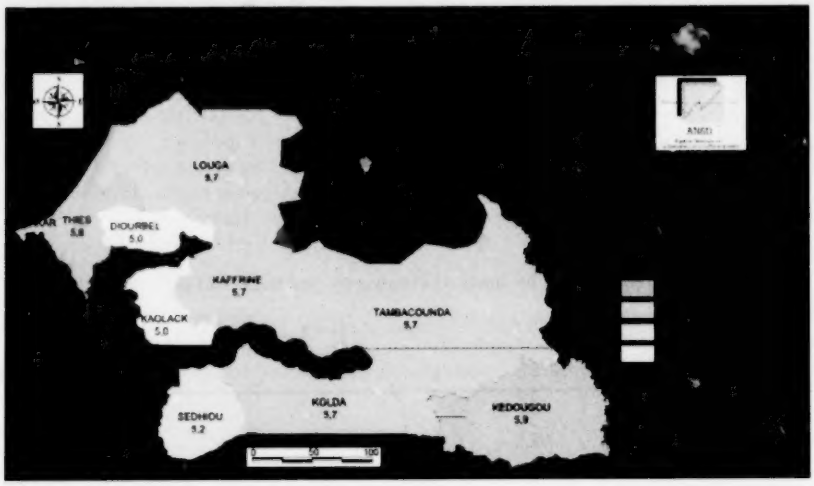
	Degree of difficulty				
Functional category	*No difficulty*	*Some difficulty*	*Great difficulty*	*Unable to perform*	*Total*
				Urban	
Vision	98.2	1.5	0.2	0.1	1.8
Hearing	99.5	0.4	0.1	0.1	0.5
Mobility	98.5	1.2	0.3	0.0	1.5
Remembering	99.3	0.5	0.1	0.0	0.7
Self-care	99.5	0.2	0.2	0.1	0.5
Communication	99.2	0.4	0.2	0.2	0.8
Total	**94.2**	**4.3**	**1.1**	**0.5**	**5.8**
				Rural	
Vision	98.7	0.9	0.2	0.1	1.3
Hearing	99.3	0.5	0.1	0.1	0.7
Mobility	98.5	1.2	0.3	0.0	1.5
Memory	99.2	0.6	0.2	0.1	0.8
Self-care	99.4	0.3	0.2	0.1	0.6
Communication	98.9	0.6	0.3	0.2	1.1
Total	**94.0**	**4.2**	**1.2**	**0.6**	**6.0**
				All disabilities	
Vision	98.5	1.2	0.2	0.1	1.5
Hearing	99.4	0.5	0.1	0.1	0.6
Mobility	98.5	1.2	0.3	0.0	1.5
Memory	99.2	0.6	0.1	0.0	0.8
Self-care	99.5	0.3	0.2	0.1	0.5
Communication	99.0	0.5	0.3	0.2	1.0
Total	**94.1**	**4.2**	**1.2**	**0.5**	**5.9**

Source: ANSD/RGPHAE, 2013.

2. Disability rate, by region of residence

19. An analysis of the disaggregated statistics on various types of disabilities shows up regional differentials. Overall, the regions of Ziguinchor and Matam have the highest disability rates, at 8.1 per cent each. The Diourbel and Kaolack regions have the lowest rates, at 5 per cent each.

Figure
Disability rate (percentages) by region of residence, 2013



Source: APA, 2013.

Table 2
Disability rate (percentages) by region of residence and type of disability, 2013

	Type of disability						
Region	*Vision impairments*	*Comprehension impairments*	*Difficulty walking*	*Memory impairments*	*Self-care disability*	*Difficulty communicating*	*Total*
Dakar	2.1	0.5	1.5	0.7	0.5	0.7	5.9
Ziguinchor	2.6	0.8	1.9	1.3	0.7	0.9	8.1
Diourbel	1.1	0.6	1.4	0.6	0.5	0.8	5.0
St-Louis	1.6	0.6	2.0	0.7	0.6	0.9	6.3
Tambacounda	1.0	0.8	1.1	0.8	0.5	1.5	5.7
Kaolack	1.2	0.6	1.4	0.6	0.5	0.7	5.0
Thies	1.4	0.6	1.4	0.8	0.6	1.0	5.8
Louga	1.2	0.7	1.5	0.7	0.5	1.1	5.7
Fatick	1.5	0.7	1.8	1.0	0.5	0.8	6.4
Kolda	1.2	0.7	1.0	0.7	0.7	1.4	5.7
Matam	1.6	0.9	2.2	1.1	0.7	1.6	8.1
Kaffrine	1.2	0.8	1.5	1.0	0.4	0.8	5.7
Kédougou	1.0	0.8	1.1	0.6	0.6	1.9	5.9
Sédhiou	1.1	0.7	1.0	0.7	0.6	1.0	5.2
Ensemble	1.5	0.6	1.5	0.8	0.5	1.0	5.9

Source: ANSD/RGPHAE, 2013.

20. The following observations may be made regarding the different types of disabilities.

Persons with vision impairments

21. The regions of Dakar and Ziguinchor have the highest rates of visual impairments, at 2.1 per cent and 2.6 per cent, respectively. The regions of Fatick, Saint Louis and Matam also have above-average rates of incidence (between 1.5 and 1.6 per cent) of this type of disability. The lowest rates (1 per cent each) are found in the regions of Tambacounda and Kédougou.

Persons with hearing impairments

22. Persons with this type of disability represent less than 1 per cent of the population in all regions. Overall, regional differentials with regard to this type of disability are quite small.

Persons who have difficulty walking

23. The regions of Matam (2.2 per cent), Saint Louis (2.0 per cent) and Ziguinchor (1.9 per cent) have the highest rates of motor disabilities, while the regions of Kolda, Sédhiou, Kédougou and Tamvacounda have the lowest (between 1.0 and 1.1 per cent).

Persons with memory impairments

24. The highest incidence of difficulties with memory or concentration is found in Ziguinchor and Matam, which register rates of 1.3 per cent and 1.1 per cent, respectively. These rates contrast with the 0.6 per cent rate registered in the regions of Diourbel, Kaloack and Kédougou for persons with difficulties in concentrating.

Persons with self-care disabilities

25. As in the case of hearing impairments, self-care disabilities are quite rare in all the regions, with less than 1 per cent of the population in each region having such disabilities. The variations in the rate from one region to the next are quite small, as the rates are all between 0.5 per cent and 0.7 per cent.

Persons with communication disabilities

26. The highest rates for this type of disability are in the regions of Kédougou (1.9 per cent), Matam (1.6 per cent) and Tambacounda (1.5 per cent). The lowest are found in the regions of Dakar and Kaolack (0.7 per cent in each).

3. Sociodemographic characteristics of persons with disabilities

(a) Distribution of the population with disabilities by age and sex

27. The disaggregation of the figures on the population with disabilities by sex shows that women are in the majority. At the national level, the male-female ratio for this population group is 88 to 100. At a more disaggregated level, it can be seen that, in the group of persons with disabilities between the ages of 0 and 14 years, males outnumber females, however. For the 16–55 age group, the trend is the reverse, with women outnumbering men. For those over 55 years of age, the male-female ratio varies, although women are still in the majority.

28. The age pyramid of the population with disabilities has a narrow base and is broader near the peak. In other words, the risk of having a disability increases with age. For persons below 40 years of age, the disability rate is less than 10 per cent. For persons over 40 years of age, the disability rate rises quite sharply, reaching 50 per cent for persons 90 years of age.

(b) Marital status of persons with disabilities

29. Overall, the disability rate is higher for widowed persons (30.5 per cent). The lowest rate (3.0 per cent) is found among single persons. Similar trends are seen when the figures are disaggregated by sex, with 31.5 per cent and 30.5 per cent of widowers and widows, respectively, having disabilities. These results should be analysed with care, however, since

the structure of disability rates set out above indicates that there is an increased risk of disability with age. In view of the link between marital status and age (more single persons are young, while more widowed persons are older), the rates that are disaggregated by marital status may be an indirect reflection of the age distribution of the population living with a disability.

Table 3
Disability rates (percentages) by sex and marital status, 2013

	Disability rate		
Marital status	*Males*	*Females*	*Total*
Monogamous	9.8	7.1	8.5
Polygamous	16.9	9.6	11.6
Single	2.9	3.1	3.0
Widower/widow	31.5	30.5	30.5
Divorced	13.0	10.1	10.8
Consensual union (cohabiting)	6.9	17.3	13.5
Separated	14.2	18.6	17.1

Source: ANSD RGPHAE, 2013.

(c) School attendance and literacy rates for persons with disabilities

School attendance

30. As the following graph shows, the disability rate is higher (7.6 per cent) for the population group that has never attended school. The same trend can be observed among women as a whole; the disability rate is 8.3 per cent for persons who have never attended school, compared with 2.1 per cent for those who are currently enrolled and 7 per cent for those who have attended school in the past. Among men, the disability rate is higher among those who have already attended school (7.9 per cent) than it is for those who were attending school at the time that the census was taken (2.1 per cent). In short, for both males and females, the percentage of persons with disabilities is lower among those who were attending school at the time of the census.

Literacy education

31. For both sexes, the disability rate is higher among those who cannot read or write in any language. Overall, the disability rate is 8.5 per cent among illiterate persons, compared to 5.5 per cent for those who know how to read and write. The differential is wider for females, with a disability rate of 9.1 per cent for those who are illiterate versus 4.7 per cent for those who are literate.

4. Economic characteristics of persons with disabilities

32. Employment plays an important role in an individual's integration into society. It therefore occupies a prominent place in programmes designed to combat poverty and exclusion among persons with disabilities. In the following section, the analysis will be confined to the occupational status of persons who are 15 years of age or older.

(a) Employment status

33. The difficulties faced by persons with disabilities in terms of employment are well known; hence the importance of analysing the relationship between disability and occupational status. Overall, the disability rate is higher among older persons, other persons who are not economically active and unemployed persons who have worked in the past, for whom the rates are 37.9 per cent, 16.9 per cent and 12.2 per cent, respectively. In contrast, the lowest disability rates are found among students (2.3 per cent), employed persons (6.8 per cent) and homeworkers (6.8 per cent).

34. The trend is similar for both men and women. Vision, hearing and mobility impairments and difficulties in communicating or concentrating act as constraints on the occupational integration of persons with disabilities. Because they often have difficulty in school, a majority of these persons have a below-average skill level, and this situation is compounded by the fact that firms are often reluctant to recruit persons with certain types of limitations.

Table 4
Disability rates (percentages), by sex and employment status, 2013

	Disability rate		
Employment status	*Male*	*Female*	*Total*
Employed	6.3	8.2	6.8
Unemployed who have worked in the past	12.1	12.8	12.2
First-time jobseekers	7.5	5.9	6.6
Homeworkers		6.8	6.8
Students	2.1	2.6	2.3
Persons of independent means	7.8	12.3	8.9
Retired persons and senior citizens	37.0	39.0	37.9
Other economically inactive persons	14.7	19.1	16.9

Source: ANSD/RGPHAE, 2013.

35. Occupational status provides a clearer picture of the employment profile of persons with disabilities.

(b) Occupational status

36. This section deals with persons who are employed or who are unemployed but who have previously worked. Overall, the disability rate is highest among the category of "other workers" (8.7 per cent) and independent workers (7.6 per cent) and is lower for apprentices (2.7 per cent), caregivers (5.7 per cent) and temporary employees (5.5 per cent). When the figures are broken down by sex, the highest rates are for self-employed women (9.5 per cent) and for male "other workers" (8.3 per cent). The proportions of male and female temporary employees and apprentices who have disabilities are relatively small.

Table 5
Disability rates (percentages), by sex and occupational status, 2013

Occupational status	*Male*	*Female*	*Total*
Self-employed	6.9	9.5	7.6
Employer	5.7	6.5	5.8
Permanent employee/wage earner	7.0	6.5	6.9
Temporary employee/wage earner	5.4	5.8	5.5
Apprentice	2.5	3.3	2.7
Caregiver	4.8	7.3	5.7
Other	8.3	9.3	8.7

Source: ANSD/RGPHAE, 2013.

5. Disability rate by nationality as of 2013

37. An examination of the breakdown of disability statistics by nationality shows that there is no significant difference between the rates for foreign nationals and Senegalese nationals. Indeed, the disability rates for both sexes are about the same among Senegalese and residents in Senegal who are of foreign nationality. When the figures are disaggregated by sex, however, it becomes apparent that the disability rate for male foreign nationals is

just slightly higher (5.7 per cent for men versus 6.2 per cent for women) than it is in the case of Senegalese nationals (5.6 per cent for men versus 6.2 per cent for women).

38. On 6 July 2010, in compliance with the general principles and obligations set forth in articles 3 and 4 of the Convention, the Senegalese legislature passed Social Framework Act No. 2010-15 on the promotion and protection of the rights of persons with disabilities.

39. Under article 1 of that law, persons with disabilities are defined as: "Persons who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others."

40. Article 2 of Social Framework Act No. 2010-15 specifies that any provision or law that results in the exclusion of persons with disabilities or that may reduce the opportunities open to them or be detrimental to them shall be considered to be discriminatory. These provisions make it possible to ensure the effective participation of persons with disabilities and will help to eliminate the various obstacles, including physical barriers, with which they may be confronted.

41. The "equal opportunities card", whose issuance is provided for by Social Framework Act No. 2010-15, entitles the holder to certain rights and benefits in respect of access to health care, rehabilitation services, technical assistance, financial aid, educational and training support, employment services and transportation services, together with any other benefits that may contribute to the promotion and protection of the rights of persons with disabilities. These benefits are also available to the caregivers of persons with severe disabilities in order to enable them to perform their jobs properly.

42. To ensure that the provisions of the Convention are suitably applied in Senegal, Decree No. 2012-1038 of 2 October 2012 provides for the establishment of technical committees at the departmental level.

43. In order to operationalize the concept of inclusive education and support for persons with disabilities and to provide them with genuine opportunities for social development and security, the above-mentioned decree provides that these departmental technical committees will be responsible for processing applications for equal opportunities cards and for maintaining a list of eligible candidates.

44. The State plans to establish a support fund for persons with disabilities to provide the necessary financing for the promotion of their full participation, integration and involvement in economic activity.

45. In addition, as part of the follow-up to the directives of the Interministerial Council on Disability of 30 October 2001, the Government of Senegal launched the National Community-based Rehabilitation Programme in 2006. This initiative is aimed at fostering the socioeconomic integration of persons with disabilities.

46. The provisions regarding reasonable accommodation set forth in the Convention are reflected in Social Framework Act No. 2010-15.

47. Article 31 of that law instructs the State, local governments and public and private agencies that are open to the public to ensure that the buildings, roadways, sidewalks, outdoor areas, and means of transport and communications under their control conform to international accessibility standards so as to ensure that persons with disabilities can access them, move about within them and make use of the services that they provide.

48. In addition, the effective provision of support for persons with disabilities is reflected in the active engagement of associations and institutions that are working to protect and promote their rights. The State furnishes financial, staffing and material assistance, together with technical support, to educational organizations working to provide services to persons with severe disabilities, in particular.

49. These special initiatives for ensuring genuine equality of opportunity and treatment for persons with disabilities are considered to be affirmative action measures.

Article 5: Equality and non-discrimination

50. The State of Senegal has ratified all the international conventions that prohibit discrimination, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. It has also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

51. The Constitution contains specific provisions on the elimination and unequivocal condemnation of all forms of discrimination.

52. Article 1 of the Constitution provides that the Republic of Senegal is a secular, democratic and social republic. It guarantees the equality of all citizens before the law, without distinction as to origin, race, sex or religion, and states that all beliefs are to be respected. It further directs that no group of people or individual may exercise sovereignty in their own right.

53. Article 3 of the Constitution states that national sovereignty belongs to the people and is exercised by the people through their representatives or by referendum.

54. Article 4 supplements this provision by stating that political parties and coalitions of political parties shall assist in ensuring that the people are able to express their will through their votes. Political parties are prohibited from identifying themselves with a particular race, ethnic group, sex, religion, sect, language or region.

55. Under article 5 of the Constitution, any act of racial, ethnic or religious discrimination and any regionalist propaganda detrimental to the internal security of the State or to the integrity of the territory of the Republic are punishable by law.

56. Article 7 of the Constitution proclaims that the Senegalese people recognize the existence of inviolable and inalienable human rights as the cornerstone of any human community and of peace and justice in the world. All human beings are equal before the law. Men and women have equal rights. In Senegal, there is no restriction or privilege connected with a person's place of birth, identity or descent.

57. A number of provisions in the new Constitution of 22 January 2001 establish the right of women to equal treatment before the law. Article 15, paragraph 2, and article 19 establish women's right to purchase and own land, to have assets in their own right and to personally manage their goods and property.

58. Article 25 prohibits any and all forms of discrimination between men and women regarding employment, wages and taxation.

59. Parity between men and women in terms of their access to elected and political office is now guaranteed under the Constitution. Following the amendment of article 7 of the Constitution in November 2007, equal access for women and men to all offices and positions is now established.

60. At the legislative level, the implementation of these various provisions has required the repeal, formulation and promulgation of a number of laws, including:

- Act No. 79-02 of 4 January 1979 repeals and replaces paragraphs 2 and 3 of article 814 of the Civil and Commercial Code, and article 2 of Act No. 68-08 of 26 March 1968 amends chapter II on associations of book VI of the Civil and Commercial Code and sets the punishment for the establishment of illegal associations
- Act No. 79-03 of 4 January 1979 repeals and replaces article 5 of Act No. 65-40 of 22 May 1965 on seditious associations
- Act No. 81-17 of 15 May 1981 on political parties
- Act No. 81-77 of 10 December 1981 on the punishment of acts of racial, ethnic or religious discrimination

61. In addition, a number of new provisions have been introduced in articles 166 bis, 256 bis and 257 bis of the Criminal Code.

62. Article 166 bis states that any administrative or judicial official or any elected official or public authority, any agent or employee of the State, public institutions, national corporations, semi-public corporations or corporations receiving financial support from the Government who, without legitimate grounds, refuses to allow a natural or legal person to exercise a right on the basis of racial, ethnic or religious identity shall be punished by a prison term of from 3 months to 2 years and a fine of from 10,000 to 2,000,000 francs.

63. Article 256 bis states that the same penalties as those provided for in article 56 (from 1 month to 2 years of imprisonment and a fine of from 250,000 to 300,000 francs) shall be imposed on anyone who, directly or indirectly, posts, exhibits or exposes to public scrutiny, offers (even free of charge and even if not publicly), distributes or puts up for distribution, by any means and in any form whatsoever, any object or image, printed matter, writing, speech, display, engraving, painting, photograph or film, photographic reproduction or emblem intended to proclaim racial superiority, create a sense of racial superiority or provoke racial hatred, or constituting incitement to racial, ethnic or religious discrimination.

64. In addition, a number of general laws apply without distinction as to sex or race.

65. For example, with regard to the determination of Senegalese nationality, Act No. 61-10 of 7 March 1961, as amended by Act No. 89-42 of 26 December 1989, states that Senegalese nationality may be chosen by a person at any time after reaching the age of 18 and before reaching the age of 25 if that person is:

- A legitimate child born of a Senegalese mother and a father of foreign nationality, or
- A natural child when the parent in respect of whom filiation has been established in the second instance is Senegalese, if the other parent is stateless or of unknown nationality

66. A foreign woman who marries a Senegalese man may take Senegalese nationality unless she explicitly states at the time of the marriage that she does not wish to do so. A Senegalese woman who marries a foreigner does not lose her nationality unless she explicitly renounces it before the marriage. Such renunciation is valid only if she can acquire the nationality of her future husband.

67. In the area of employment and social security, the following laws all stipulate that no distinction is to be made between men and women with regard to their application: General Civil Service Act No. 61-33 of 16 June 1961, which is supplemented by special statutes applicable to some categories of public officials; Act No. 59-64 of 6 November 1959, as amended by Act No. 97-17 of 17 December 1997 establishing the Labour Code; and Social Insurance Institutions Act No. 75-50 of 3 April 1975.

68. With regard to family matters, divorce by mutual consent was instituted under Act No. 72-61 of 12 June 1972 (the Family Code), thereby placing men and women on an equal footing. The Code also prohibits the right of repudiation which is granted to the husband under Islamic law and penalizes it by making it, as a serious insult to the wife, grounds for divorce. Reforms in all areas have continued and include the incorporation of a provision whereby a wife may furnish medical coverage for her husband. Act No. 89-01 of 17 January 1989 repealed the provisions of the Family Code that were discriminatory against women. The first paragraph of article 371 has been amended to give the wife, like the husband, full civil capacity. This entailed the abrogation of article 13, which had established that the wife's domicile was the domicile chosen by the husband. Article 154, which allowed a husband to refuse to allow his wife to engage in a separate occupation, has also been repealed. Article 19 was amended to enable a woman to temporarily administer her husband's property in his absence. The article provides that, on receipt of a certificate of absence, the court shall appoint a temporary administrator of the property, who may be the spouse who has remained in the home. Finally, article 80, which provided that family record books could be issued only to the husband, was also amended to state that a certified copy of the family record book shall be issued to the wife at the time of the marriage.

69. Considerable additions have been made to the nation's laws in order to better protect vulnerable groups against all forms of discrimination. The following examples illustrate the types of laws that have been introduced:

- Act No. 99-05 of 29 January 1999 prohibits the practice of female genital mutilation and was supplemented in 2000 with the introduction of a national plan of action for securing the abandonment of the practice. As part of that plan, the women who used to perform such excisions have been retrained in legal income-generating occupations.
- Act No. 2005-06 of 10 May 2005 sets out provisions for combating trafficking in persons and related practices.
- Social Framework Act No. 2010-15 of 6 July 2010 provides for the promotion and protection of the rights of persons with disabilities.

70. In addition to these legislative measures, a decision issued by the Government of Senegal on 5 October 2006 provides that a husband and children may be registered as the dependants of a working wife. In addition, there is a political commitment to the principle of equal tax treatment. A number of studies have been conducted on the question of amending the General Tax Code as appropriate. These associated provisions, like the provisions of the Convention, may be invoked in Senegalese courts, which may apply them in resolving the disputes brought before them.

71. Senegal has expressed its commitment to the fundamental human rights of persons with disabilities. Giving effect to international standards on the protection of persons, article 17 of the Constitution establishes that the State and public authorities have a societal duty to safeguard the physical, mental and moral health of the family and, in particular, of persons with disabilities and older persons. The State guarantees families, in general, and those living in rural areas, in particular, access to health and well-being.

72. The principle of the equality of all citizens and the rejection of discrimination in all its forms are enshrined in the Senegalese Constitution of 22 January 2001, which states that all citizens, without discrimination, shall have access to the exercise of power at all levels and equal access to public services. It also calls for the rejection and elimination of all forms of injustice, inequality and discrimination.

73. These principles are reaffirmed in the first article of the Constitution, which guarantees equality before the law for all citizens, without discrimination.

74. In addition, the application of Act No. 2010-15 of 6 July 2010 is mandatory in Senegalese courts and specifically in the Administrative Chamber of the Supreme Court of Senegal in cases involving administrative decisions that have allegedly failed to uphold the interests of persons with disabilities on an equal basis with others. A remedy for appealing against ultra vires acts on the part of administrative authorities is provided for under Senegalese law.

Article 6: Women with disabilities

75. Both sex and disability are defined as discriminatory criteria in Senegalese legislation, and provision is made for filing a complaint in the event of discrimination on the basis of disability.

76. The Constitution of 22 January 2001 demonstrates the country's firm commitment to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979. More specifically, article 7 of the Constitution states that all human beings are equal before the law. Men and women enjoy equal protection under the law.

77. All forms of discrimination on the basis of sex or disability are prohibited, in accordance with the principle of equality for all. This is proclaimed in the preamble to the Constitution, which refers to the rejection and elimination of all forms of inequality and discrimination.

78. This ban is reaffirmed in the second paragraph of article 25 of the Constitution, which states that: "Any form of discrimination between men and women with respect to employment, pay or taxation is prohibited."

79. In line with the principle of gender equality, Senegal has ratified most of the international instruments concerning the rights of women. It is a party to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 and the Optional Protocol thereto, which was adopted on 6 October 1999, as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 11 July 2003, having ratified those instruments on 5 February 2005, 26 May 2000 and 27 December 2004, respectively. A number of legislative and administrative texts have been adopted to guarantee gender parity and gender equality. At the national level, gender sensitivity is a key political issue; in recent years, women have been appointed to some of the highest positions, including that of prime minister.

80. In order to ensure that all persons enjoy equal rights, the fourth paragraph of article 7 of the Constitution establishes, firstly, that all persons are equal before the law and, secondly, that men and women enjoy equal protection under the law. In accordance with these two principles, article 15 of the Constitution grants both men and women the right to acquire and own land, while article 18 of that instrument establishes that forced marriage is a violation of personal freedom.

81. Several other provisions reiterate the principle of the equal enjoyment of rights in various fields. Article 19, for example, recognizes that wives, like their husbands, are entitled to have their own assets and to personally manage their property. The second paragraph of article 22 establishes that all boys and girls throughout the country have the right to attend school. The first paragraph of article 25 stipulates that no one shall be subjected to discrimination in the workplace on the basis of sex, origin, political opinions or beliefs. The second paragraph of that article reaffirms that any form of gender discrimination relating to employment, pay or taxation is prohibited.

82. However, despite the significant progress that has been made towards gender equality, there are still some legislative provisions that run counter to this trend. This is attributable to strong resistance in Senegalese society and culture and to the traditional predominance of men over women in Senegalese society, which is illustrated by the following examples:

- Parental authority, which is referred to as paternal authority in article 277 of the Family Code, is exercised by the father and may be exercised by the mother only if the father is absent.
- Article 152 of the Family Code establishes that the husband is the head of the family and performs that role under the authority of the president of the departmental court.
- Article 196 of the Family Code prohibits judicial investigations of paternity, even in cases of rape; proceedings to establish paternity may be brought for child support purposes only.
- A distinction is drawn between male and female surviving heirs with respect to inheritance rights under articles 637 et seq. of the Family Code, which govern inheritance under Islamic law.

83. Nevertheless, the protection afforded to women under criminal law has increased thanks to the amendments introduced by Act No. 99.05 of 29 January 1999, which increased the penalties for offences such as rape, female circumcision, indecent assault, incest and sexual harassment. Furthermore, the constitutional provisions mentioned above have served as the basis for the development of a policy for the advancement of women which takes into account all the political, economic, social and cultural aspects of the issue and seeks to empower women. This gender policy aims to ensure that women can exercise and enjoy the rights and freedoms enshrined in the international and regional instruments that have been ratified by Senegal on an equal footing with men.

84. Major legislative reforms have been carried out in the field of women's rights: Act No. 2008-01 of 8 January 2008 provides for the separate taxation of married women and

abolishes joint taxation; Decree No. 2006-1309 of 23 November 2006 enables women working in the public sector to extend their medical insurance coverage to include their husband and children; Decree No. 2006-1310 grants the same right to women working in the private sector; and Act No. 2010-15 establishes absolute gender parity in all institutions in which some or all of the posts are elective.

85. Senegal has also distinguished itself by appointing women to lead a number of important management and decision-making bodies. Women account for 64 out of 150 members (43 per cent) of the National Assembly and 43 out of 120 members of the Economic, Social and Environmental Council. Unprecedented progress has also been made in many other fields with respect to the advancement of women. The Senegalese Armed Forces recruited women for the first time in history when they enlisted 300 women aged between 18 and 23 years old during the period from September 2007 to January 2008. Women are now present in all sectors of the Armed Forces, as this initiative was unanimously welcomed and implemented by the air force, the army and the navy. The National Gendarmerie has also started to recruit women. The Senegalese police force, meanwhile, began recruiting women much earlier, in the 1970s; some of those women have now become senior divisional superintendents, which is the highest rank within the police hierarchy. The police force is therefore considered a trailblazer in this area, a status that has been confirmed by its recent recruitment of a large number of young women. Lastly, not to be outdone, the Senegalese customs department recruited its first female customs inspector in 2004; she, like her male colleagues, holds the rank of lieutenant.

86. Yet the country's most notable achievement, when it comes to combating discrimination against women, concerns the issue of nationality. On 28 June 2013, Senegal amended its Nationality Code to put an end to the unequal treatment of men and women as regards their ability to pass on Senegalese nationality by marriage, descent or adoption.

87. Senegalese women are now able to pass on their nationality to their children. The relevant regulations have also been modified in order to facilitate the transmission of nationality from a Senegalese woman to her foreign spouse.

88. Senegal has adopted the United Nations Millennium Declaration, thereby reaffirming the Government's resolve to "promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable".

89. The ban on discrimination has been fully incorporated into Social Framework Act No. 2010-15 of 6 July 2010, which stipulates, in particular, that there must be no discrimination on the basis of disability in development projects and programmes run by the State or by partner organizations (art. 14).

90. Two women with disabilities have been appointed to senior positions, the first as an adviser to the President of the Republic and the second as a member of the Economic, Social and Environmental Council.

91. In the realm of civil society associations, the Senegalese Federation of Associations of Persons with Disabilities has a women's committee which is involved in a range of socioeconomic initiatives. The establishment of this committee has helped to ensure that the concerns of women with disabilities are taken into consideration in the various projects and programmes run by the Ministry for Women.

92. In 2005, the secretariat for the African Decade of Disabled Persons conducted a study on the living conditions of Senegalese women with disabilities.

93. Lastly, in the area of health care, caesarean sections are free of charge for women with disabilities under the National Programme for Universal Health Insurance Coverage, and the children of such women, like all Senegalese children, receive free health care up to the age of 5 years.

Article 7: Children with disabilities

94. In all decisions that concern children, the best interests of the child are a primary consideration, without any distinction being made between children on the basis of disability.

95. Both article 7 of the Convention on the Rights of Persons with Disabilities and article 23 of the Convention on the Rights of the Child emphasize that the four guiding principles of the latter Convention — namely non-discrimination, the best interests of the child, the right to life, survival and development and the right to participate — apply to children with disabilities. All these principles are at least implicitly recognized in the Social Framework Act.

96. Articles 21, 22 and 23 of the Constitution establish the following:

> The State and the public authorities shall establish the conditions and the public institutions that are necessary to ensure the provision of education for children.
>
> It is the State's duty and responsibility to provide public schools for the education and training of young people. All boys and girls throughout the country have the right to attend school. Religious and non-religious institutions and communities are equally recognized as educational facilities.
>
> All national institutions, whether public or private, have a duty to ensure that their members can read and write and to support national efforts to promote literacy in one of the national languages.
>
> Private schools may be opened, subject to State authorization and oversight.

97. Senegal has ratified the Convention on the Rights of the Child of 20 November 1989 and the African Charter on the Rights and Welfare of the Child.

98. Article 28 of the Convention on the Rights of the Child and article 11 of the African Charter on the Rights and Welfare of the Child invite States parties to recognize the right of the child to education.

99. Article 23 of the Convention on the Rights of the Child reads as follows:

> States parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
>
> States parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
>
> Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training ...

100. Meanwhile, article 13 of the African Charter on the Rights and Welfare of the Child establishes the following:

> Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral needs and under conditions which ensure his dignity, promote his self-reliance and active participation in the community.
>
> States Parties to the present Charter shall ensure, subject to available resources, to a disabled child and to those responsible for his care, of assistance for which application is made and which is appropriate to the child's condition and in particular shall ensure that the disabled child has effective access to training,

preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration, individual development and his cultural and moral development.

The States parties to the present Charter shall use their available resources with a view to achieving progressively the full convenience of the mentally and physically disabled person to movement and access to public highway buildings and other places to which the disabled may legitimately want to have access to.

101. In accordance with these international instruments, article 15 of the Social Framework Act establishes that children and adolescents with disabilities have the right to a free education in a mainstream school, wherever possible, located close to their home. Children who are unable to benefit from mainstream education owing to the severity of their disabilities are referred to a special school by the departmental technical commission on special education.

102. Children with disabilities who hold an equal opportunities card are exempt from the various regulations on age limits and are eligible for reduced school fees.

103. All students with disabilities are automatically awarded a full scholarship. They continue to receive this support even if they repeat a year.

104. Article 4 of Decree No. 2014-963 of 1 August 2014, on the conditions governing the allocation of study grants in higher education, states that there should be a separate procedure for the allocation of study grants to students with disabilities or disabling illnesses.

105. Under article 9 of the Social Framework Act, the State, the public authorities and the relevant agencies are required to take measures relating to home care for persons with disabilities. The rights of persons with disabilities are also taken into account in the Tax Code (Act No. 2012-31 of 31 December 2012), which establishes that such persons are to be supported by the taxpayer.

106. For the past 10 years, the National Orthopaedic Appliances Centre has provided orthopaedic devices for children up to the age of 15 years with the support of the Fondation Sonatel, the Dakar city authorities and other social institutions.

107. Health care is free for children up to the age of 5 years under the law that established the National Programme for Universal Health Insurance Coverage, which is a new initiative aimed at ensuring free medical care for children.

108. In an effort to reduce the vulnerability of children in Senegal, a team called the Child Protection Support Unit has been set up at the highest level, within the Office of the President. Lastly, children with disabilities have the opportunity to participate in the Children's Parliament.

Article 8: Awareness-raising

109. Since ratifying the Convention, Senegal has organized information and awareness-raising activities in order to inform persons with disabilities about their rights under the Convention.

110. Articles 12 and 13 of Social Framework Act No. 2010-15 of 6 July 2010, which deal with the promotion and protection of the rights of persons with disabilities, stipulate the following:

The State shall take material and non-material measures for the prevention of all forms of disability as part of a comprehensive prevention and information programme focusing on health and road safety issues. This programme is to be implemented in professional, school and university settings.

The measures to be taken by the public authorities in the field of disability prevention shall be established by decree.

Ministerial departments shall prepare and organize media awareness campaigns in their respective fields.

Public and private media outlets shall broadcast awareness-raising programmes on the causes and consequences of disabilities.

Media campaigns on disability prevention shall be organized free of charge by public media outlets.

111. In this context, awareness-raising policies aimed at the general public and at public authorities have been implemented. These policies provide for material and non-material measures designed to prevent all types of disability by means of integrated prevention and information programmes focusing on health and road safety issues that are conducted in professional, school and university settings.

112. The non-governmental organization (NGO) Handicap International, in partnership with the Government of Senegal, has prepared and published a wide range of informational, educational and communications materials relating to the implementation of the Social Framework Act.

113. Pursuant to article 13 of the Social Framework Act, all ministerial departments prepare and organize media awareness campaigns in their respective fields, and public and private media outlets broadcast awareness-raising programmes on the causes and consequences of disabilities. Media campaigns on disability prevention are organized free of charge by public media outlets.

114. In line with the Social Framework Act, Senegal has instituted the National Week of Persons with Disabilities, which is celebrated annually during the first 10 days of December.

115. On 3 December 2013, for example, on the occasion of the International Day of Persons with Disabilities, the Douta Seck Cultural Centre brought together many persons with disabilities from various regions of Senegal and other African countries, including Burkina Faso, Mali, Mauritania, Benin, Togo, Rwanda and Burundi, to demonstrate the ability and willingness of such persons to contribute to the development of their country using new information and communications technologies in preparation for the digital transition in 2015.

116. Senegal also celebrates World Leprosy Day each year. On Sunday, 26 January 2014, for example, this event was celebrated with activities organized by the Ministry of Health and Social Action, in partnership with the German Leprosy and Tuberculosis Relief Association, a German NGO.

117. The same Ministry celebrated White Cane Day in support of blind persons, in partnership with the NGO Sightsavers, in Ziguinchor in 2013.

Article 9: Accessibility

118. The public authorities are aware of the importance of accessibility in enabling persons with disabilities to live independently and participate fully in all aspects of life, on an equal basis with others.

119. Accessibility is a broad concept that involves buildings, road infrastructure and telecommunications.

120. In order to eliminate obstacles and barriers to accessibility for persons with disabilities, the Government introduced measures in the Social Framework Act to improve accessibility and thus enable persons with disabilities to lead a normal life and participate fully in society on an equal basis with others.

121. More specifically, article 31 of the Social Framework Act stipulates: "The State, local authorities and public and private entities that are open to the public shall adapt buildings, roads, sidewalks, outdoor areas and means of transport and communication, in their respective fields and in accordance with international accessibility standards, in such a

way as to enable persons with disabilities to gain access to, travel to, use and benefit from those services and facilities."

122. The authorities do not issue permits to build, renovate or refurbish a public building unless the plans meet the standards set forth in article 31 of the Social Framework Act.

123. This protection is further strengthened by article L.5 of the Building Code (Act No. 2009-23 of 8 July 2009), which reads as follows:

> The architectural plans and fittings of multifamily housing and workers' lodgings; public buildings used for education purposes, including schools and universities; and health-care facilities must meet building standards concerning access for persons with disabilities.

124. Thus, an entire section of the Building Code is devoted to persons with disabilities.

125. Articles R18 to R34 of the implementing regulations for the Building Code (Decree No. 2010-99 of 27 January 2010) provide more detailed provisions regarding the various standards that apply to new multi-user buildings and to the construction, design or modification of buildings and facilities that are open to the public. Building permits for projects of this kind are not issued unless the architectural plans meet the applicable standards.

126. The aim of these provisions is to ensure accessibility and mobility through the application of building standards that require developers to take into account the specific needs of persons with disabilities, who should enjoy easy access to and free movement within multistorey housing and public and other buildings on an equal basis with others.

127. More recently, the Ministry responsible for urban planning commissioned the Senegal Architects Association to put forward draft regulations concerning the accessibility of public buildings and facilities and other multi-user buildings. These regulations will strengthen the existing regulatory framework and help to ensure that persons with disabilities are able to move freely within all such buildings.

128. Holders of an equal opportunities card can travel by public transport at a reduced price. The rate of reduction must be established in an order issued by the transport minister on the basis of consultations with employers' organizations in the transport sector. The same reduction is available for a person who is accompanying a person with disabilities.

129. Special vehicles for the transport of persons with disabilities that are donated to disability associations and organizations or purchased by them are exempt from duties and taxes. In addition, persons with disabilities who hold an equal opportunities card are entitled to park their vehicle next to their workplace.

Article 10: Right to life

130. The Constitution contains a specific provision on the right to life. More specifically, article 7 states: "Human beings are sacred. They are inviolable. The State has an obligation to respect and protect them. All individuals have the right to life, liberty, security, free development of their personality, physical integrity and, in particular, protection from any kind of physical mutilation. The Senegalese people recognize the existence of inviolable and inalienable human rights as the cornerstone of any human community and of peace and justice in the world. All human beings are equal before the law. Men and women enjoy equal protection under the law. The law promotes equal access to offices and posts for women and men. In Senegal, there is no restriction or privilege connected with a person's place of birth, identity or descent."

131. In accordance with this article, severe penalties are established by law for the offences of infanticide, abortion, child abandonment and the sale of children.

132. Article 17 of the Constitution establishes that the State and the public authorities have a societal duty to safeguard the physical and mental health of the family and, in particular, that of persons with disabilities and older persons.

133. The Constitution is complemented by article 4 of the African Charter on Human and Peoples' Rights, ratified on 13 August 1982, which states: "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right."

134. Article 5 of the Charter states: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited."

135. The death penalty was abolished in Senegal by Act No. 2004-38 of 28 December 2004. Naturally, all of these provisions apply to persons with disabilities, without discrimination. Such persons enjoy the same rights as others. They cannot be arbitrarily deprived of their lives.

136. Euthanasia is not permitted in Senegal. Abortion is authorized for medical reasons only. Abortion in any other circumstances is prohibited under article 305 of the Criminal Code.

Article 11: Situations of risk and humanitarian emergencies

137. The Civil Defence Directorate is responsible for protecting people and preserving public and private property, resources and facilities, both in times of peace and in times of war.

138. The Directorate oversees the various civil defence departments at all levels.

139. In particular, it may call on the National Fire Brigade, the National Sanitation Department and other departments of the Ministry of Health.

140. The Civil Defence Directorate acts as the permanent secretariat of the High Commission for Civil Defence.

141. In the field of prevention, it is responsible for:

- Preparing draft texts on civil defence
- Organizing preventive inspections of public buildings, classified buildings, high-rise buildings and any other high-risk buildings, together with regional and auxiliary civil defence commissions and interministerial technical committees
- Making use of preventive inspection reports
- Issuing opinions, in the form of safety assessments, on plans for the construction of public, classified and high-rise buildings as a prerequisite for the issuance of building permits
- Organizing training, information and awareness-raising activities on risk prevention for the general public

142. In the field of disaster management, the Civil Defence Directorate is tasked with:

- Preparing emergency plans, such as the national contingency plan for major civil emergencies
- Issuing opinions on special response plans and internal operations plans
- Keeping regional files on the resources that can be mobilized if the national contingency plan is launched, since the Directorate also presides over the national committee tasked with the management of resources for this plan
- Keeping records on civil defence reservists
- Developing specific risk-management programmes for the installation and repair of fire hydrants, the installation of lightning rods and so on

143. The National Fire Brigade is a paramilitary institution that provides assistance without drawing a distinction of any kind among the people whom it aids and, in particular,

without favouring other people above persons with disabilities. During field operations, it acts with humanity and in accordance with the rules of law. When assisting persons with disabilities, it follows the precepts of common sense and respect for others.

Article 12: Equal recognition before the law

144. Article 340 of the Family Code states that persons 18 years old and above, of either sex, are considered adults and have the capacity to conduct all aspects of their civil affairs. Article 339 stipulates that emancipated minors have the capacity to manage all their civil affairs on an equal basis with adults.

145. The Family Code further states that persons whose mental faculties have been impaired indefinitely by disease, disability or an age-related condition shall be covered by one of the social protection schemes, such as guardianship or wardship, that are designed to safeguard the interests of minors and adults who lack legal capacity.

146. Certain persons are therefore deprived by law of the capacity to engage in legal transactions in order to protect them from the consequences of their lack of experience or their intellectual impairment, as stated in article 273 of the Family Code. By virtue of the State's ratification of international instruments such as the Declaration of the Rights of Man and of the Citizen of 1789, the Universal Declaration of Human Rights of 1948 and the international covenants of 1966, all persons are able to fully exercise their legal personality.

147. The legal personality of all individuals, various freedoms and, in particular, the right to the development of one's personality are recognized by the Constitution. Article 7 thereof states that all individuals have the right to life, liberty, security, free development of their personality, physical integrity and, in particular, protection from any kind of physical mutilation.

148. The recognition of the legal personality of persons with disabilities is clearly reflected in the Social Framework Act.

149. That law sets out measures that are to be taken by the Government to help persons with disabilities to exercise their legal personality and manage their financial affairs.

150. For example, by requiring public and private institutions to adapt buildings, roads, sidewalks, outdoor areas and means of transport and communication in such a way as to enable persons with disabilities to gain access to, travel to, use and benefit from services and facilities (arts. 33 and 34), the State ensures that such persons are able to exercise their legal capacity effectively.

151. Moreover, to enable persons with disabilities to exercise their legal capacity effectively and on an equal basis with others, that statute also stipulates that awareness-raising policies and educational campaigns in support of the recognition of the legal capacity of persons with disabilities should be implemented.

152. In Senegal, there is no law that provides for full deprivation of legal capacity on the basis of disability. On the contrary, besides the measures provided for in the Social Framework Act, steps have been taken to ensure that persons with disabilities can avail themselves of the full use of their legal capacity in matters relating to elections and banking, for example.

Article 13: Access to justice

153. The judiciary is independent of the legislative and executive branches. The Senegalese legal system, which is based on the French model, comprises the Constitutional Court, the Supreme Court, the Court of Audit and the lower courts and tribunals.

154. Executive power rests with the President of the Republic and the Government. The Head of State is elected by direct universal suffrage (by a majority, with two rounds of voting) for a renewable seven-year term. He or she determines national policy and appoints

the Prime Minister, who is the Head of Government, and cabinet ministers, who are nominated by the Prime Minister. The Government leads and coordinates national policy.

155. Legislation can be initiated by the President of the Republic, the Prime Minister and members of the legislature. The President has the power to dissolve the National Assembly, and the Government is answerable to the President and the National Assembly. In 2012, the Economic and Social Council, which is the other main State institution, will become the Economic, Social and Environmental Council.

156. Ensuring barrier-free access to an impartial and independent justice system, complete with procedural safeguards, is an ongoing concern of the Government of Senegal. Justice is a fundamental pillar of the rule of law. The Senegalese Constitution enshrines the principle of the separation of powers, providing for a judicial branch that is independent of the executive and legislative branches. It also establishes the independence of the judiciary; that principle is upheld by the special protection measures that judges enjoy as they progress along their career path, which culminates in security of tenure. The independence of the judiciary is guaranteed under Organic Act No. 92-27 of 30 May 1992, which can be amended by the legislature only by means of a special procedure that requires a qualified majority.

157. Judges' career progression is overseen by the Higher Council of the Judiciary, which is composed predominantly of judges who are statutory members and elected members nominated by their peers from the three groups that make up the judiciary. The Head of State chairs the Higher Council, which makes decisions by consensus or, if necessary, by vote. It decides on appointments, promotions, assignments and secondments of judges and also acts as a disciplinary body.

158. In general terms, Senegalese law makes legal remedies available to aggrieved persons who wish to challenge decisions that are unfavourable to them or to seek the restoration of their rights, if they feel that those rights have been violated. The existence of departmental and regional courts ensure the accessibility of the justice system. Four courts of appeal are already operational — in Dakar, Kaolack, Saint-Louis and Thiès — and another is being set up in Ziguinchor.

159. Article 91 of the Constitution establishes that the judiciary is the guardian of rights and freedoms, while the principle of judicial independence is laid down in article 88. Judicial power is exercised by the Constitutional Court, the Supreme Court, the Court of Audit and the lower courts and tribunals. These two provisions guarantee that every individual shall have the right to have his or her cause heard. Moreover, Senegalese law provides for the presumption of innocence, enshrines the principle of legality and establishes the right to a defence, which, in line with article 9 of the Constitution, is an absolute right at all stages and levels of legal proceedings. These provisions are echoed in the Criminal Code and the Code of Criminal Procedure. While the Criminal Code proclaims the principle of legality as it applies to criminal offences and penalties, the Code of Criminal Procedure outlines the avenues that victims may use in order to bring a case before the justice system. The Senegalese courts exercise their full independence in arriving at their decisions. If a victim wishes to contest a court decision, he or she can appeal to a higher court. If necessary, the complainant may apply for judicial review.

160. A procedure for lodging a plea based on unconstitutionality is provided for in Senegalese law; in accordance with that procedure, the constitutionality of a law or international convention can be reviewed by the Supreme Court. In addition, to protect the rights and freedoms of citizens against arbitrary administrative decisions, article 92 of the Constitution provides for appeals on ultra vires grounds. In simple terms, any citizen wishing to have a decision of an administrative authority annulled may submit an appeal to the Administrative Chamber of the Supreme Court. Statistics on this type of case indicate that this procedure is a firmly established practice in Senegal. Lastly, citizens may also submit full remedy actions in administrative proceedings in order to seek compensation for any harm they have suffered.

161. Notwithstanding the foregoing, poverty and illiteracy constitute very real challenges in ensuring greater access to justice for the citizens of Senegal. The Ministry of Justice is

developing a number of initiatives for bringing justice and the courts closer to the people, including the following: ultra vires acts on the part of administrative authorities

- A community-based justice project, in partnership with the French Government, aimed at establishing judicial centres around the country that will offer mediation, information, legal counselling services and legal aid
- Modifications in the deployment of the resources of the judicial system to permit the establishment of courts of minor and major jurisdiction in highly populated localities
- The provision of legal aid (some 300,000 million CFAF in legal aid was provided in 2012) to enable persons without means to have the benefit of the services of a lawyer

162. Article 394 of the Code of Criminal Procedure states that if an accused person is deaf-mute and is unable to write, the presiding judge shall appoint, as an interpreter, the person who is most accustomed to conversing with him or her. The person may be represented by counsel at any stage in the proceedings. Legal aid is, of course, provided for persons in need.

163. The Government has also developed policies that facilitate equal access to justice for all citizens, particularly disadvantaged persons.

164. Examples of such initiatives include the creation of the Réseau africain pour le développement intégré (African Network for Integrated Development) and the establishment of centres that provide legal advice and legal aid in rural and urban communities.

165. There are also various organizations that seek to promote access to justice for all, such as the Citizens' Forum and the Senegalese Human Rights Committee.

166. Other measures to help ensure that all citizens, including persons with disabilities, can gain access to justice include the community justice centres established under Act No. 99-88 of 3 September 1999 and the legal offices set up in law schools with the help of French development assistance.

167. Although Senegal has not yet established a system for providing training specifically on the rights of persons with disabilities, human rights education, particularly on anti-discrimination provisions and mechanisms dealing with the rights of vulnerable persons, forms part of the programmes of study in the country's judicial, police and gendarmerie academies.

Article 14: Liberty and security of the person

168. The security of the person during legal proceedings is a constitutional right in Senegal. Under article 9 of the Constitution, any infringement of constitutionally protected freedoms and any deliberate interference with the exercise of such freedoms constitute serious offences that are severely punished by law.

169. The principle of non-retroactivity in criminal law — which constitutes one of the guarantees of individual liberty — is also enshrined in the Constitution, as is the principle of the presumption of innocence and the absolute right to a defence at all stages of legal proceedings.

170. As regards implementation of these constitutional and treaty provisions, one of the main principles of criminal procedure in Senegal is that any infringement or obstruction of the exercise of a freedom may be ordered only by a legally authorized official, namely a judge or criminal investigation officer. The original provisions of the Code of Criminal Procedure, which remain in force today, establish strict requirements for the issuance of an order by a criminal investigation officer or judge for someone to be taken into police custody or to be held in pretrial detention, respectively. Disciplinary and criminal sanctions are provided for in the event of any violation of these rules.

(a) Rules governing police custody

171. If, for the purposes of an investigation, a criminal investigation officer is obliged to detain one or more persons, the duration of custody shall not exceed 24 hours. If there is sufficient reliable and consistent evidence to justify pressing charges, the criminal investigation officer must bring the person before the public prosecutor or his or her representative and may not detain the person for more than 48 hours. In the event that practical difficulties interfere with a person's transfer, the public prosecutor must be notified immediately of the situation and the delay.

172. In both cases, the criminal investigation officer must immediately make his or her decision known to the public prosecutor, his or her representative or, failing that, the presiding judge of the court vested with the powers of the public prosecutor and must explain to the person in question why he or she has been placed in custody.

173. When the person in custody is a minor between the ages of 13 and 18 years, the criminal investigation officer must hold the minor in special quarters separate from adult prisoners.

174. Persons held in police custody are under the effective control of the public prosecutor, his or her representative or, failing that, the presiding judge of the trial court vested with the powers of the public prosecutor.

175. In all places where persons are held in custody, criminal investigation officers are required to keep a custody record, which is to be numbered and initialled by the public prosecutor and must be presented to the judge responsible for monitoring persons in police custody upon request.

176. The time limit may be extended for a further 48 hours with the written consent of the public prosecutor, his or her representative or the investigating judge.

177. However, the time limits may be doubled in the case of crimes against national security and of any crimes committed during a state of siege, a state of emergency or under the conditions set out in article 47 of the Constitution, with the proviso that the two grounds for doubling the time limit are not cumulative.

178. If police custody is extended, the criminal investigation officer is required to inform the person in custody of the reasons for the extension and of the provisions of article 56. The officer must also inform the individual of his or her right to appoint a lawyer from among those on the roster or those performing internships.

179. Mention of these formalities shall be made in the custody record; if they are omitted, the record is rendered invalid.

180. The appointed counsel may be contacted by the person in custody or any other person designated by him or her or, failing that, by the criminal investigation officer. Counsel may engage in fully confidential communication with the detainee by telephone or any other means of communication if he or she cannot visit the detainee in person within a reasonable period of time. If the appointed counsel cannot be contacted, the criminal investigation officer is required to make mention of this fact in the custody records. The criminal investigation officer or an officer under his or her command must inform counsel of the nature of the charges. Following the interview, which may not exceed 30 minutes, the lawyer may submit written observations that shall be appended to the case file. The lawyer may not disclose the details of the interview to anyone while the person remains in custody. The criminal investigation officer shall make mention in the custody records of any information or requests submitted pursuant to the law. To be valid, these details must be signed by the persons concerned, with any refusals to sign also being noted in the custody record. Failure to include this information shall render the custody record null and void.

(b) Safeguards and prevention of torture during custody

181. If the public prosecutor or his or her representative deems it necessary, arrangements can be made for the person in custody to be examined by a designated doctor at any time during the period of custody. The person in custody, through the criminal investigation

officer, his or her lawyer or any other person, may also request the public prosecutor to arrange for such a medical examination for the same purpose and within the same time frame. This examination shall be conducted at the location where the person in question is being held in custody and, if not requested ex officio by the public prosecutor, the cost of the examination must be paid in advance by the requesting party. In the latter case, the payment must be recorded in the document attesting to the designation of the examining physician.

182. The custody records must indicate the date and time at which a person was first placed in custody, the reasons why that person was taken into custody, the duration of questioning, the length of rest periods, and the date and time at which the person was either released or brought before a judge. To be valid, these details must be signed or initialed in the margin by the persons concerned, and if he or she refuses to do so, this must also be noted in the custody record. In agencies and services where criminal investigation officers are required to keep a record book, the annotations and marginal signatures or initials provided for under the previous article must be recorded therein. Only the annotations shall be reproduced in the procedural record transmitted to the judicial authority.

183. If criminal investigation officers commit acts of abuse in connection with the application of custodial measures, the public prosecutor, or his or her representative, shall inform the Attorney General, who shall refer the matter to the Indictments Division. Victims of acts of abuse may also petition the Indictments Division to examine their case. If a criminal offence is found to have been committed, the Indictments Division, in accordance with its powers under articles 213, 216 and 217 of the Code of Criminal Procedure, may either remove the perpetrator of the abuse from police service, either temporarily or permanently or, if a criminal offence appears to have been committed, return the case file to the Attorney General for the initiation of legal proceedings. These provisions should be read in conjunction with article 213 et seq. on the Indictments Division's oversight of the activities of criminal investigation officers.

(c) Pretrial detention guarantees

184. The same concern with preserving personal liberty is reflected in the following provisions regarding decisions to remand an accused person in custody:

- In the case of offences or misdemeanours for which the maximum penalty is a prison term of three years or less, an accused person lawfully domiciled in Senegal may not be held in pretrial detention for more than five days
- In the case of the same types of offences as described above, an accused person lawfully domiciled within the jurisdiction of the court may not be subjected to pretrial detention
- Lastly, in the case of the same offences as described above, a warrant of detention issued by an investigating judge is valid for a maximum period of six months only

185. No legislative or regulatory provisions in Senegal provide for deprivation of liberty on the grounds of disability. The only way in which disability figures in such provisions is that the involvement of a person with a disability is defined in the laws on narcotics as an aggravating circumstance when a drug is supplied, offered or its use made available to a minor, a person with a mental disability or a person receiving treatment for substance abuse or when a minor or a person with a mental disability is involved in the offence (art. 112).

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

186. Act No. 96-15 of 28 August 1996 incorporated article 296-1, on the criminal offence of torture, into the Criminal Code. This legislation was introduced in order to enable Senegal to comply with its international obligations, including those it assumed upon ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

187. In accordance with the Optional Protocol to the Convention against Torture adopted on 18 December 2002, which was ratified by Senegal on 20 September 2006, the National Assembly adopted Act No. 2009-13 of 2 March 2009, under which a new mechanism for the prevention of torture, known as the National Observatory of Places of Deprivation of Liberty, was established. That legislation was drafted in close cooperation with civil society as part of the country's efforts to fulfil its obligation, as a party to the Protocol, to establish just such a mechanism. The mission of this fully autonomous institution is to prevent acts of torture from occurring in places of detention and to ensure that those facilities conform to international standards.

188. Since, in most cases of torture, public officials are to blame, especially when the offence is committed in the course of preliminary investigations (arts. 55 et seq. of the Code of Criminal Procedure), Senegalese law enables persons who are victims of abuses committed by criminal investigation officers while in custody to bring the matter directly before the Indictment Division of the Court of Appeal, which may remove the perpetrator from his or her position as a criminal investigation officer.

189. Senegal developed sentence enforcement standards in 2000. The position of sentence enforcement judge was created under Act No. 2000-38, which amended the Criminal Code, and Act No. 2000-39, which amended the Code of Criminal Procedure (both laws were adopted on 29 December 2000). These judges are responsible for monitoring conditions of detention.

190. In addition, article 46 of the aforementioned Social Framework Act of 6 July 2010 states that prison administrators must have consideration for the status of prisoners with disabilities.

Article 16: Freedom from exploitation, violence and abuse

191. Article 294 of the Senegalese Criminal Code establishes specific penalties for acts of violence directed against another person and provides for heavier penalties when such acts of violence are directed against particularly vulnerable persons, such as persons with disabilities.

192. Since 2009, several legislative and regulatory measures have been adopted:

- Act No. 2005-02 of 25 April 2005 deals with trafficking in persons and similar practices and with the protection of victims. It defines the offences of trafficking in human beings, exploitation amounting to servitude and criminal acts involving the removal of human organs. In accordance with this statute, Senegal has set up a national unit to combat trafficking in persons.
- Act No. 2008-61 of 24 September 2008 is the instrument of ratification for the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on 20 December 2006.
- Act No. 2009-13 of 2 March 2009 authorized the establishment of the National Observatory of Places of Deprivation of Liberty.

193. Social Framework Act No. 2010-15 of 6 July 2010 concerns the promotion and protection of the rights of persons with disabilities. It provides for various measures of protection, assistance and support and establishes that the treatment and care of persons with disabilities constitute a national obligation (art. 5).

194. Senegal adopted a national plan of action to combat trafficking in 2009 which also covers the situation of *talibé* children.

Article 17: Protecting the integrity of the person

195. The protection of persons with disabilities is given full consideration in Act No. 2009-17 of 9 March 2009, which sets out a code of ethics for health research. Article 7 of the Act states that:

Any research involving human subjects must be conducted in accordance with the following principles:

- Free and informed consent of the research subject
- Respect for human dignity and human rights
- A favourable cost-benefit ratio for the subject
- Respect for personal autonomy and responsibility
- Consideration of human vulnerability and respect for the subject's physical and mental integrity
- Equality, justice and fairness in the design and conduct of the research
- Non-discrimination and non-stigmatization, respect for cultural diversity and pluralism
- Solidarity and cooperation
- Benefit-sharing
- Anonymity
- Privacy and confidentiality
- Acknowledgement of sociocultural beliefs and practices
- Communication of results to the persons concerned

196. This law also states that minors and adults under legal guardianship who are admitted to a health-care or social facility may be asked to participate in biomedical research only if the research can be expected to be directly beneficial to their health and only with the consent of their mother, father (or both) or legal guardian. Under Senegalese law, ethical practices in health research also encompass non-discrimination and consideration for people's sociocultural beliefs and practices.

197. In addition, the Patient's Charter (Ministerial Decree No. 5776 of 17 July 2001) calls for the maintenance of the confidentiality of patient information and respect for human dignity and guarantees universal access to public hospitals. It also states that patients and members of their families should be kept informed (confidential medical information can be withheld from the patient only for legitimate reasons) and establishes the general principle of prior consent, which arises from respect for physical integrity, the limits on a person's right to dispose of his or her body as he or she sees fit and respect for the person and for a person's privacy.

Article 18: Liberty of movement and nationality

198. In Senegal, there are no restrictions on liberty of movement other than the special provisions regulating travel to and from the country (visa regulations).

199. Nationals of one of the States members of the Economic Community of West African States (ECOWAS), with or without disabilities, may enter Senegal freely. Nationals of States not members of ECOWAS must have a visa.

200. The Nationality Code of Senegal makes no distinction between persons based on their physical or mental capacities. Act No. 61-10 of 7 March 1961, the Senegalese Nationality Act, was recently amended by Act No. 2013-05 of 8 July 2013. Article 7 of the latter statute states that a foreign national who marries a Senegalese national is entitled to Senegalese citizenship after five years of married life, starting from the celebration or recognition of the marriage and provided that the bonds of marriage have not been broken and that the Senegalese spouse has not lost his or her Senegalese citizenship.

201. Under Act No. 2013-05, all children born to a Senegalese parent are Senegalese. Minors may not apply for Senegalese citizenship until they are 16, but they need no

authorization to do so. In all these cases, then, this statute does not discriminate on the basis of disability. Persons with disabilities are afforded protection by these provisions.

202. A high-level authority responsible for the promotion and protection of the rights of persons with disabilities was established under the Social Framework Act (art. 48). The aim of the authority, which is part of the Office of the President of the Republic, is to bolster the State's efforts to develop national policies and sectoral strategies in all disability-related areas.

Article 19: Living independently and being included in the community

203. Persons with disabilities should live independently, participating in social life on an equal footing with others.

204. In view of that imperative, and in accordance with the guidance issued after the first meeting of the Interministerial Council on Disability, held on 30 October 2001, in 2006 Senegal launched the National Community-based Rehabilitation Programme. Community-based rehabilitation is an inclusive local development strategy that has been recommended by the World Health Organization (WHO) ever since the Declaration of Alma-Ata of 1978. Undertaken with a view to promoting the participation and inclusion of persons with disabilities in the community and improving the quality of their lives, community-based rehabilitation addresses the broader needs of such persons. Article 5 of the Social Framework Act states that the National Community-based Rehabilitation Programme is to be established by presidential decree. The aim of that recommendation is to consolidate the Programme. The organizational arrangements for its administration at the local government level are set out in circular No. 6847/MSAS/DGAS of 17 June 2013, which recommends the creation of local disability management bodies — namely, consultative offices in the country's regions and community-based rehabilitation committees in its departments. The General Directorate of Social Action has developed a five-year plan for the period 2013–2017 for the implementation of the Programme at an overall cost of 5 billion CFA francs (CFAF). At the outset, the Programme budget was set at CFAF 300 million, but in 2014 it was increased to CFAF 530 million. Pursuant to the directive issued by the Office of the Prime Minister at a technical meeting of representatives of government ministries held to discuss the production of an equal opportunities charter, the budget should be increased to CFAF 1 billion. In administering the Programme in 2012 and 2013, the Ministry of Health and Social Action launched 3,004 individual or group socioeconomic initiatives designed to be of use to persons with disabilities. The total amount disbursed for these initiatives, which were overseen by the General Directorate of Social Action, came to CFAF 398,391,826. In addition, the Social Framework Act provides guidance concerning the provision of services for persons with disabilities and their integration into society.

205. A person who cares for a person with severe disabilities may receive benefits to help him or her provide the best possible assistance to that person.

206. Under article 19 of the Social Framework Act, care and assistance take the following forms:

- Aiding a person with a disability in the home
- Providing material assistance to an impoverished person with a disability or to his or her legal guardian to help ensure that the person's basic needs are met
- Placing a person with a disability in a foster family
- Placing a person with a disability in a facility specialized in housing and caring for persons with disabilities

207. To uphold the inclusive approach of the Social Framework Act, local authorities undertake to involve organizations of persons with disabilities and take their needs and requests into account in the provision of social services (art. 6).

208. Dakar City Hall, for example, has begun paying the monthly rent for the Resource Centre for the Advancement of Persons with Disabilities.

209. There is not currently any housing set aside exclusively for persons with disabilities, but article 37 of the Social Framework Act states that such persons have the right to housing, and they are automatically eligible for social housing.

210. The right to housing is upheld, for example, at the Dakar University Student Services Centre by the practice of setting aside a minimum number of places for students with disabilities. The President of Cheikh Anta Diop University in Dakar has made use of his discretionary powers to have on-campus housing units set aside for instructors with disabilities as well.

211. The principle of equal opportunity is given expression in the provision of the Social Framework Act which states that persons with disabilities must be able to freely access community services and facilities. Barring restrictions related to security and the maintenance of law and order, there is no discrimination on grounds of disability.

212. The equal opportunities cards issued pursuant to Decree No. 2012-1038 of 2 October 2012 entitle cardholders to all the rights and benefits that will help to promote and protect the rights of persons with disabilities (art. 3 of the Social Framework Act). Special incentives for persons with disabilities that are designed to ensure effective equality of opportunity and treatment are not considered discriminatory (art. 2).

Article 20: Personal mobility

213. The personal mobility of persons with disabilities is supported by functional rehabilitation and the adaptation of the human environment. Special attention is given to this issue in Senegal. Thus, in addition to the measures that have been taken to help to ensure the accessibility of public and private urban and interurban mass transit, regardless of the mode of transportation (by road, rail, sea or air), and to ensure that persons with disabilities have access to the seats reserved for them, the use of signs modelled after the international system of accessibility symbols is required (art. 33 of the Social Framework Act).

214. Persons with disabilities also have the right to accessible taxi service and accessible modes of transport (art. 34).

215. The equal opportunities cards entitle their holders to a discount on public transport. Cardholders are also authorized to park their vehicles in front of their place of work (art. 36).

216. Since the ratification of the Convention, pedestrian bridges have been built in such a way as to accommodate the mobility needs of persons with disabilities.

217. In addition to the Building Code (Act No. 2009-23 of 8 July 2009), which contains provisions relating to persons with disabilities and the accessibility of the built environment, the Code's implementing regulations (Decree No. 2010-99 of 27 January 2010) contain detailed rules on mobility arrangements for persons with disabilities.

218. Article R18 of that decree, for example, states that common areas in residential buildings and some of the parking areas for residents and visitors must have uninterrupted passageways accessible to persons with reduced mobility, including wheelchair users.

219. To enable persons with disabilities to gain access to new assistive technologies, the Government of Senegal has also undertaken to bear the costs of the orthopaedic appliances and technical devices needed by persons with disabilities who have an equal opportunities card but are not otherwise covered by social welfare schemes (art. 10 of the Social Framework Act). Assistive orthopaedic, hearing and technical devices are to be exempted from taxes and duty at the request of the Minister of Health and Social Action. In 2013, for instance, the General Directorate of Social Action helped to provide assistive devices, at a total cost of CFAF 80 million, to 425 persons with motor disabilities or visual impairments. In addition, under article 35 of the Social Framework Act, Senegalese associations or

organizations of persons with disabilities are exempt from paying taxes or duties on the special vehicles that they buy or receive as donations for the transport of persons with disabilities. The special vehicles imported duty- and tax-free by such associations or organizations may be used only for their intended purpose, however.

Article 21: Freedom of expression and opinion, and access to information

220. Article 21 of the Convention reads as follows:

> States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:
>
> (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
>
> (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
>
> (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
>
> (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
>
> (e) Recognizing and promoting the use of sign languages.

221. Article 21 of the Convention is compatible with the legal and institutional framework for freedom of assembly and expression in Senegal.

222. Freedom of assembly is a civil and political right enjoyed by all Senegalese citizens under article 8 of the Constitution of 22 January 2001. Like all fundamental individual liberties, it is to be exercised within the limits laid down by the law (art. 8, para. 3, of the Constitution). The exercise of freedom of assembly is subject to the legal framework established by Assemblies Act No. 78-02 of 29 January 1978. The exercise of this fundamental freedom is subject to the need to maintain order.

223. Freedom of expression (freedom of opinion and the right to demonstrate), as enshrined in article 10 of the Constitution of Senegal, encompasses the right, without prior authorization, to create a media outlet to provide political, economic, cultural, sports, social, recreational or scientific information. Everyone has the right to freely express and disseminate his or her opinions in oral, written and pictorial form and through peaceful demonstration. The exercise of this right does not extend to insulting or defaming others or breaching the peace, as indicated in Act No. 96-04 of 22 June 1996, which deals with the media, journalists and social communicators, and in a series of provisions of the Criminal Code.

224. Freedom of association, as enshrined in article 12 of the Constitution, accords citizens a very broad right to form associations, economic, cultural and social groups, and enterprises, provided that they do so in accordance with the procedures established by law, including the civil and commercial regulations set out in Act No. 68-08 of 16 March 1968 (see articles 812 to 821 for the general regulations on the constitution of associations) and the Labour Code.

225. Based on article 8 of the Constitution, Senegal has expanded upon the promotion and protection of freedom of expression and the right to diversity of information.

226. These constitutional and other legal provisions on freedom of expression and opinion and access to information are applicable to all Senegalese nationals, including persons with disabilities, without any discrimination or restriction whatsoever.

227. The Government works to ensure that information is accessible to persons with disabilities in formats and via technologies suited to their needs, such as Braille, sign language and other media.

228. To that end, article 21 of the Social Framework Act indicates that the State, local authorities and public and private organizations shall promote the establishment of Braille printing houses, audio libraries and sign language institutions, including the media and Internet service providers.

229. Senegal signed the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, an international instrument dealing with copyright law, in June 2013. The Treaty, which was negotiated at the urging of the World Blind Union, does away with the need to secure the permission of copyright holders, thereby facilitating access to books and other published works in digital accessible information system (DAISY) format, audio format, electronic format, large print, Braille and other such formats for people who are blind or otherwise print-disabled. "Right to Read", a national campaign to secure the ratification of the Treaty, is currently under way and is being headed by the Consortium of University Libraries of Senegal, Sightsavers and associations of blind persons, including Amitié des aveugles, in particular.

Article 22: Respect for privacy

230. Under the Constitution, all Senegalese citizens are guaranteed fundamental individual freedoms, economic and social rights and collective rights.

231. Article 13 of the Constitution, for instance, states that the confidentiality of correspondence and postal, telegraphic, telephonic and electronic communications is inviolable. No restriction may be imposed on this inviolability save in application of the law.

232. In addition, information included in the records of public agencies is accessible only to authorized agencies and as provided for by laws and regulations, including Archives and Administrative Records Act No. 2006-19 of 30 June 2006.

233. Senegal also adopted Cybercrime Act No. 2008-11 of 25 January 2008, and new punishments for certain crimes have been provided for in the Criminal Code (art. 431-6 to 431-65).

234. Personal Data Protection Act No. 2008-12 of 25 January 2008 covers the violations of privacy that may occur during the collection, handling, transmission, storage and use of personal data. The preamble to this statute states that, as new information technologies and applications are developed, what has traditionally been viewed as falling within the domain of private affairs takes on new dimensions. Personal data, an integral component of these new aspects of privacy, are turning out to be highly coveted resources, and they should be handled with respect for an individual's rights, fundamental freedoms and dignity. Legislation on personal data is thus a means of protecting fundamental rights and freedoms.

235. This law provides for the effective protection of the privacy of all natural persons, with no distinction being made of any kind. The processing of a person's health data in any way that leads to the disclosure of those data is also prohibited (art. 40).

236. In addition, article 7 of Decree No. 005776/MSP/DES of 17 July 2001 of the Minister of Health on the Patients Charter, which applies to patients in public hospitals, states that patients are entitled to respect for their privacy and for the confidentiality of their medical and social information.

237. The Criminal Code also sets out the punishments for unlawful entry into a person's domicile.

238. All provisions concerning the protection of privacy apply to persons with or without disabilities.

Article 23: Respect for home and the family

239. Article 16 of the Constitution of Senegal states:

> A person's home shall be inviolable.
>
> It may be searched only by order of a judge or another authority designated by law. Searches may be carried out only in the manner ordered. Measures infringing or restricting the inviolability of the home may be taken only to guard against a collective danger or to protect persons at risk of death.
>
> These measures may also be taken, in accordance with the law, to maintain law and order in the face of imminent threats and, in particular, to counter the risk of an epidemic and to protect young people who are in danger.

240. Articles 17 to 20 state that marriage and the family are the natural and moral basis of human society and are to be protected by the State. It is the duty of the State and the public authorities to safeguard the physical and emotional health of families and, in particular, persons with disabilities and older persons. The State must ensure that families, in general, and those living in rural areas, in particular, have access to health and welfare services and must also ensure that all women, not least those in rural areas, have the right to an improvement in their living conditions. Forced marriage is an infringement of a person's liberty and, as such, it is forbidden and punished under the terms provided by law. Women, like their husbands, are entitled to own property and to manage their property as they see fit. It is the inherent right and duty of parents to raise their children, and they are supported in that task by the State and public authorities. Young people are protected by the State and public authorities from exploitation, narcotics, neglect and crime.

241. No distinction is made in the application of these strict constitutional provisions, and they are thus in the interests of persons with disabilities.

242. In 2005, to help ensure the equality of all citizens, Senegal launched the National Gender Equality and Equity Strategy (2005–2015), which gives priority to women with disabilities.

243. To safeguard parent-child relationships and to help to enable persons with disabilities to fulfil their parental responsibilities, the Social Framework Act (art. 2, para. 2) states that children and adolescents have the right to a free education in a mainstream school, whenever possible, located close to their homes. In addition, the legal representative of a child or adolescent with a disability has a preferential right with regard to the choice of the school that the child or adolescent will attend (art. 17 in fine).

Article 24: Education

244. Senegal democratized access to education and affirmed the principle of equal opportunities in education at a very early stage in its history. Article 2 of the first framework law on national education, Act No. 71-36 of 3 June 1971, establishes the right of all Senegalese nationals to receive instruction and training suited to their aptitudes and the need for everyone to participate in production, in all its forms, in accordance with their own abilities.

245. Article 4 of the same law states that national education offers all citizens the opportunity to learn and to receive training in all areas of active life so that they can acquire knowledge in the interests of social advancement.

246. The current framework law on national education (Act No. 91-22 of 16 February 1991) strengthens this political resolve by making the realization of the right to education a responsibility of the State. It calls for the establishment of a system of training suited to the aptitudes of each human being that will give everyone an equal opportunity for success,

without discrimination on the basis of sex, social origin, race, ethnicity, religion or nationality (art. 5). Article 7 addresses special education and the social advancement of all citizens in the interests of improving living and employment conditions and increasing labour productivity.

247. The 2001–2011 Ten-year Education and Training Programme, which translates this vision into action, states that the goal of primary education, which is the Government's main priority, is to ensure quality schooling for all and to create conditions that are conducive to the provision of a basic education for all, without exception. In line with this objective, measures are provided for in support of children with disabilities.

248. The Senegalese State also introduced free compulsory schooling for children aged 6 to 16 years through Act No. 2004-37 of 15 December 2004, which stipulates that "schooling is compulsory for children of both sexes aged 6 to 16 years. The State has a duty to ensure that children aged 6 to 16 years remain in the school system".

249. The review of the most recent Ten-year Education and Training Programme shows that major progress has been made in providing access and reducing the disparities between boys and girls in all sectors. Nonetheless, achievements with regard to the quality of learning and teaching and the effectiveness and efficiency of the system's management still fall short of what is needed, despite the progress made in decentralizing its governance. The annual review held in June 2013 afforded an opportunity to share the results of this assessment with all stakeholders.

250. On the basis of these results, which were validated and supplemented by an analysis of the wider economic context and educational environment, a new sectoral white paper was drawn up which gave rise to the 2013–2015 Programme for Improving Quality, Equity and Transparency of Education and Training. One of the Sustainable Development Goals is to create an inclusive and quality education system. Inclusion is an overarching process aimed at eliminating or reducing obstacles to learning and participation by all students with the help of technical and regulatory tools (codes on urban planning, the environment, construction and the production of teaching materials and aids).

251. The Programme for Improving Quality, Equity and Transparency has been endorsed by technical and financial partners which have undertaken to support the Government in mobilizing financial and technical resources within the framework of the Global Partnership for Education with a view to reaching the Sustainable Development Goals, one of which is quality primary education for all.

252. Results-based management, which underpins this initiative, is a management strategy for channelling the joint efforts of stakeholders towards the achievement of specific results and direct effects, and progress towards those outcomes should be recorded and communicated as often as possible. Since the education and training sector is a joint contractual undertaking on the part of the State, citizens and funding sources, it entails a contractual mode of stakeholder-led governance at both the central and decentralized levels. Two of the priorities that must be incorporated into the management of the system are the need to strengthen the degree of control exercised by the public over strategy implementation and the importance of sharing the results of that effort. In addition, budgetary support — the mechanism by which certain financial partners deliver aid to the Government — is tied to the measures/reforms to be taken or to key indicators that are monitored to ensure the optimal and timely mobilization of the associated resources. Directly or indirectly, the Ministry of Education is working with a number of civil society organizations to develop various inclusive and special education initiatives. The four specialized centres for persons with hearing, visual, motor and intellectual disabilities — the Verbo-tonal Centre, the National Institute for the Education and Training of Young Blind Persons, the Dabo Talibou Centre and the Education and Training Centre for Persons with Intellectual Disabilities, respectively — have been a first line of response to special educational needs since the 1980s. In addition, organizations such as the United Nations Children's Fund (UNICEF), the Regional Office for Education in Africa of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Save the Children International, Handicap International, Sightsavers and the Nordic Development Fund (through the World Bank) have helped to strengthen the special education system and to

facilitate the attendance at mainstream schools of children with slight disabilities of the sorts that can be accommodated. It is important to capitalize on the experience of other institutions, such as the experimental school in Thiès attached to the UNESCO Regional Office for Education in Africa, the Ker Xaléyi centre for children with autism in Fann, the Ephphatha school for deaf children, CORIF, the Aminata Mbaye Centre for children with intellectual disabilities, the Centre for Specialized Technical Education for Expression and Leisure and the Ouakam Refuge Centre.

253. This resolve to realize the right to education is codified in the Social Framework Act of 2010 on the promotion and protection of the rights of persons with disabilities (chap. III, arts. 15 to 26). This law authorizes the establishment of technical commissions for special education in every department in the country, and article 15 provides that the State guarantees the right to education, instruction, training and employment for persons with disabilities. It goes on to stipulate that children and adolescents with disabilities have the right to a free education in a mainstream school, wherever possible, located close to their home (art. 15 (2)).

254. Persons with disabilities severe enough to prevent them from attending an ordinary school are referred to specialized educational institutions (art. 15 (3)).

255. The departmental technical commissions for special education set up pursuant to Decree No. 2012-1038 of 2 October 2012 designate the educational institutions or services — or, exceptionally, the special educational institution or service — that meet each adolescent's needs and can accommodate him or her (Social Framework Act, art. 17).

256. At the university level, the Centre for Research, Study and Documentation on African Institutions and Legislation has stipulated that its reading room is in principle reserved for students with disabilities and for the consultation of documentation.

257. An undergraduate course of study for persons with disabilities has been offered at the National School for Specialized Social Workers since 1994.

258. Key challenges could be addressed by:

- Setting up new specialized facilities to provide a basic 10-year education for children living with severe disabilities in all the principal towns at the regional or departmental level
- Providing training and refresher courses for teachers, support staff and paramedical staff who assist and care for children with disabilities
- Giving increased support to existing specialized facilities by regularly updating teaching equipment and materials
- Promoting private initiatives that meet quality standards and are attractive to vulnerable families

Article 25: Health

259. The health of persons with disabilities has always been a major concern of the Senegalese authorities, as is demonstrated by the various legislative and regulatory measures adopted in this field.

260. The Senegalese Constitution, like the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and the conventions on non-discrimination ratified by Senegal, establishes the right to free and equal access to health care.

261. Article 17 of the Constitution of Senegal stipulates that the State and public authorities have a societal duty to safeguard the physical, mental and moral health of the family and, in particular, of persons with disabilities and older persons. The State guarantees families, in general, and those living in rural areas, in particular, access to health and well-being.

262. In accordance with the foregoing, the health of persons with disabilities has always been one of the responsibilities of the Ministry of Health and Social Action. Thus, Decree

No. 2012-635 of 4 July 2012 provides that the Ministry shall devote special attention to the protection of the health of women, children, workers, older persons and persons with disabilities.

263. In addition, the Act of 2 March 1998 sets out the principle of non-discrimination in public establishments as follows: "The pursuit of profit is incompatible with the mission of a public health service, which must grant all persons access to care at a cost commensurate with their resources."

264. Ministry of Health circular No. 023-95/MSAL of 23 September 1995 also provides for free health care at health centres for persons with disabilities.

265. Article 2 of Decree No. 5776 of 17 July 2001, which sets out the Patients Charter for public hospitals, states that the needs of persons with disabilities must be taken into account in the planning of patient reception and treatment areas.

266. Articles 1 and 2 of the charter for hospitalized persons of the Order of Malta Hospital indicate that all persons, particularly those in need, are guaranteed access to the hospital with no discrimination of any type and that the needs of persons with disabilities are taken into account in the planning of patient areas.

267. A Ministry of Health circular of 4 November 2002 adds that, as part of the strategy for promoting the access of vulnerable groups to health-care services, all necessary arrangements should be made to facilitate the access of blind persons and members of their families to treatment in health-care facilities.

268. In addition, article 7 of Social Framework Act No. 2010-15 of 6 July 2010 stipulates that the State guarantees the medical care necessary to maintain the physical and mental health of persons with disabilities. Article 8 of that law establishes that care is free of charge in medical facilities run by the State, local governments or other public agencies for persons who have a duly recognized severe disability and who are poor or lack means of support.

269. Article 9 of the same law specifies four types of assistance that are to be provided by State bodies and local governments to persons with disabilities:

- Providing support services to a person with a disability within his or her own home
- Providing material assistance to a person in need who has a disability or to his or her legal guardian to help cover the costs of meeting his or her basic needs
- Placing a person with a disability in a foster family
- Placing a person with a disability in a facility specialized in housing and caring for persons with disabilities

270. Universal health coverage in Senegal is based on the principle of national solidarity in addition to pre-existing participatory health insurance schemes and health committees.

271. Act No. 2003-14 of 4 June 2003 authorized the establishment of participatory health insurance schemes; the conditions for establishing such schemes and their organizational and operational procedures were set by decree in 2009. These schemes have been placed under the supervision of the Ministry of Health in order to facilitate the provision of funding for health care.

272. Health committees, which are composed of staff from mayoral offices and community sports and cultural associations, help to promote public participation in the provision of health care. The by-laws of these committees and their duties are governed by Decree No. 92-118 of 17 January 1992. Public participation is seen as a means of helping to combat harmful practices such as female genital mutilation and all other taboos and prohibited practices that are harmful to people's health.

273. Decree No. 2008-381 of 7 April 2008 established the Sesame health-care plan for persons aged 60 years and over. The system is reserved for persons of Senegalese nationality, who must present a digitized national identity card to prove their eligibility for free or reduced-cost medical services throughout the country.

274. The equal opportunities card has made it possible to strengthen the enjoyment of the health-related rights of persons with disabilities.

275. Persons with disabilities who are holders of this card can obtain the same services at a reduced price in private health-care facilities (Social Framework Act, art. 8 (2)).

276. The cards are issued by commissions based in departmental administrative centres. These commissions are responsible for maintaining the list of those eligible for these benefits and determining their disability level.

277. The cards give their holders the right to special benefits in the areas of transportation, health care, education, rehabilitation, finance and employment.

278. The State bears the costs of necessary orthopaedic appliances and technical aids for persons with disabilities who are holders of the equal opportunities card if they do not have social security coverage.

279. As a rule, all items intended for persons living with disabilities, such as automobiles, are exempt from tax under the Social Framework Act.

280. In addition, under the Social Framework Act, at least 15 per cent of the staff positions in public and private companies in Senegal are reserved for persons with disabilities.

281. Prevention is a clear focus of the Social Framework Act. In accordance with article 13, public and private media organizations are required to broadcast programmes designed to raise awareness of the causes and consequences of disability, and media campaigns on the prevention of disability are broadcast free of charge.

282. Senegal signed a declaration of support for the initiative "Vision 2020: the right to sight" on 14 February 2005. The aim of this project is to eliminate the major causes of blindness and thus grant the right to sight to every human being, particularly the millions threatened by or suffering from avoidable blindness. This initiative was launched by WHO in Geneva on 18 February 1999 in partnership with the International Agency for the Prevention of Blindness and with the participation of NGOs, professional associations, and eye care facilities and societies around the world.

283. The NGO Handicap International has launched two health-related projects:

- An integrated eight-month pilot project on inclusive education, protection and the early detection of impairments in the Dakar region was launched in April 2014 with a total budget of CFAF 56,000,007.
- The "Inclusive HIV/AIDS Services for All" ACCESS project, which focuses on HIV and disability, was implemented by a consortium formed by Handicap International and the Senegal office of the Society for Women and AIDS in Africa in the Ziguinchor region between 2013 and 2016 with the support of the French Ministry of Europe and Foreign Affairs and the initiative to combat AIDS, tuberculosis and malaria directed by France Expertise International.

Article 26: Habilitation and rehabilitation

284. Senegal has implemented a number of public policies on the habilitation and rehabilitation of persons with disabilities. The nature of its rehabilitation policies has varied in line with their aims and the areas that they cover. It was in this context that the National Community-based Rehabilitation Programme mentioned in paragraph 19 of the present report was launched in 2006. In addition, the Government of Senegal also subsidizes organizations of persons with disabilities and support services. This measure was taken in application of Order No. 284 of the Ministry for Women, the Family, Social Development and Female Entrepreneurship of 24 January 2007, which authorized the development of a community-based rehabilitation project and established its operating regulations. That project was piloted by a national committee tasked with monitoring its objectives, strategies and outcomes.

285. Habilitation and rehabilitation measures figure prominently in Social Framework Act No. 2010-15 of 6 July 2010. This national law delineates an overarching framework for the promotion and protection of the rights of persons with disabilities in numerous spheres relating to health, education, training, employment, housing, culture, sport, transport and accessibility.

286. This law sets out for a number of measures related to health. For example, article 3 provides for the creation of equal opportunities cards that entitle the holder to rights and privileges concerning health-care and rehabilitation services, assistive devices and financial assistance.

287. Article 10 stipulates that the cost of essential orthopaedic appliances and assistive devices will be covered for persons with disabilities who hold an equal opportunities card and do not have social security coverage.

288. The National Orthopaedic Appliances Centre of Dakar works in partnership with the City of Dakar, the national telecommunications company (Sonatel) and the General Directorate of Social Action to provide orthopaedic appliances for persons with disabilities in need.

289. The State of Senegal has an obligation to guarantee education, training and employment for all persons with disabilities. In addition, mainstream schooling is free of charge for children and teenagers with disabilities; the necessary transport and accessibility measures are also provided for (arts. 31 to 34).

290. The General Directorate of Social Action and the German Leprosy and Tuberculosis Relief Association invested from CFAF 250 million to CFAF 350 million in functional rehabilitation services between 1995 and 2005.

291. Work is also being done by bodies such as the National Orthopaedic Appliances Centre, the Talibou Dabo Centre and the functional rehabilitation centres of Mbour and Ndiaganiao. The Order of Malta Hospital has an orthopaedic shoe shop and, in association with the German Leprosy and Tuberculosis Relief Association and the National Programme for the Elimination of Leprosy, tours the country to identify persons who need adaptive shoes. The Hospital manufactures and delivers more than 500 shoes each year.

292. Some of the country's hospitals offer medical rehabilitation services. These include the palliative and corrective surgery units of Aristide Le Dantec Hospital and Grand Yoff General Hospital, along with the neurosurgical and psychiatric clinics attached to Fann University Teaching Hospital.

293. The Ministry of Health and Social Action has signed partnership agreements with private institutions to provide mainstream vocational training for persons with disabilities. Such agreements have been signed with the l'Association sénégalaise d'aide à la formation et à l'insertion (a Senegalese association that provides vocational training and placement assistance) and a cooperative formed by blind persons in Thiaroye who have graduated from the National Institute for the Education and Training of Young Blind Persons in Thiès.

294. Lastly, it is important to mention the area clearance project implemented by the NGO Handicap International. This project, in Casamance, involved the demining of an area of 2,500 m^2 and the economic reintegration of 220 victims between 2010 and 2014.

Article 27: Work and employment

295. In addition to the principle of non-discrimination set out in the Constitution and the occupational health and safety rules set out in the Labour Code (arts. L.167 to L.187), Senegal has set a minimum access quota for persons with mental and physical disabilities in the civil service and in private companies.

296. Under the Social Framework Act, public policies on disability prevention and on the treatment, care, rehabilitation, education, vocational training, and social and economic integration of persons with disabilities are defined as national obligations.

297. Thus, all civil servants or employees who have a disability, whatever its cause, that prevents them from doing their usual work must either be allowed to remain in their original post or be moved to a vacant post that is suited to their skills and the nature of their disability, if necessary following rehabilitation.

298. In the event that no suitable position can be found, the legal provisions on pension regimes will apply (Social Framework Act, art. 27). Article 28 of the same law stipulates that State-owned companies are required to report the recruitment, suspension or termination of employment of a person with a disability to the Ministry of Health and Social Action and to the High Authority for the Promotion and Protection of the Rights of Persons with Disabilities established under article 57 of that law.

299. Furthermore, upon request, persons who hold an equal opportunities card have priority among candidates for internal transfers within the civil service. Wherever possible, the State and public and private bodies set aside at least 15 per cent of their accessible jobs for persons with disabilities, as stipulated in the Social Framework Act and article L.180 of the Senegalese Labour Code.

300. The NGO Handicap International has launched a project on the employment of persons with disabilities in Senegal in partnership with the Government with a view to promoting the employment of persons with disabilities in the Dakar region over the period 2014–2018.

301. In addition, as part of the country's cooperation activities with Italy, the Association nationale des handicapés moteurs du Sénégal (ANHMS) (Senegalese Association of Persons with Motor Disabilities) received a grant of CFAF 300 million from the European Union through the Italian NGO Cooperazione Internazionale. The project was launched in 2001 and has helped to ensure the social and economic integration of nearly 200 persons with disabilities, 70 per cent of whom are women, by providing them with training in various trades.

302. The first careers fair for persons with disabilities was held on 15 October 2014 as part of the partnership between the Ministry of Health and Social Action, the NGO Sightsavers and the Convergence des Aveugles pour l'unité, la solidarité et l'entraide (Association of Blind Persons for Unity, Solidarity and Assistance) (CAUSE).

Article 28: Adequate standard of living and social protection

303. The current social security system provides coverage only for workers affiliated with the Social Security Fund. In order to strengthen the social protection system and improve the management of social protection services for vulnerable groups, in general, and for persons with disabilities, in particular, Senegal launched and implemented the 2005–2015 National Social Protection Strategy, in which the extension of social protection to informal sectors and vulnerable groups were key components. In the late 1970s, Senegal introduced special measures to protect persons with mental disabilities and persons affected by leprosy. These were the beginnings of the effort to provide social protection to specific categories of persons with disabilities.

304. Act No. 75-80 of 9 July 1975 sets out the legal framework for the treatment of mental illness and the confinement of certain categories of mental patients. The implementing regulations for that law are set out in Decree No. 75-1092 of 23 October 1975 establishing the Thiaroye Psychiatric Hospital and Decree No. 75-1093 of 23 October 1975, which outlines the manner in which mental illness treatment communities (known as "psychiatric villages") are to be organized and run. In addition, the Ker Xaléyi children's psychiatric service has been set up in Dakar at Fann University Teaching Hospital. Other civil society organizations, such as the l'Association sénégalaise pour la sauvegarde des enfants déficients mentaux (Senegalese Association for Children with Mental Disabilities) (ASSEDEM) and Special Olympics Senegal, offer social and educational assistance to children with intellectual disabilities.

305. Act No. 76-03 of 25 March 1976 on the treatment of leprosy and the rehabilitation of healed and maimed lepers and its implementing regulations (Decree No. 78-547 of 16

June 1978) constitute the legal framework for leprosy prevention and treatment. The possibility of repealing the law governing social rehabilitation communities (also known as "social rehabilitation villages") is currently under consideration in the light of the changing socioeconomic context.

306. The new guidelines for the social protection system in Senegal are summarized in pillar 2 of the Emerging Senegal Plan, which is the nation's main economic and social policy document. In addition, during the second half of 2014, the Ministry of Health and Social Action officially launched the National Universal Health Coverage Programme on 20 September 2013. The National Family Welfare Grant Programme directed by the Social Protection and National Solidarity Delegation was officially launched on 4 October 2013.

307. The Social Framework Act contains a set of provisions whose implementation will address the concerns of persons with disabilities. Persons with disabilities who hold an equal opportunities card, as provided for in article 3, will enjoy numerous privileges in the areas of education, training, health, rehabilitation, transport, finance, employment and any other sphere deemed to be appropriate. Pursuant to this provision, the President of the Republic signed Decree No. 2012-1038 of 2 October 2012, which establishes departmental technical committees to receive and process applications for equal opportunities cards. This decree, the first in an ongoing series, also establishes technical commissions that will be responsible for special education. In a general policy statement of 28 October 2013, the Prime Minister set a goal of issuing 50,000 equal opportunities cards. At an interministerial technical meeting held on 4 March 2014 to discuss the production of the cards, the Ministry of Health and Social Action presented a specimen of the card along with a strategic implementation plan. The Ministry of Health and Social Action set up an internal follow-up committee on 25 March 2014 pursuant to the guidelines drawn up at that interministerial meeting. Given the cross-cutting nature of disability, the possibility of setting up an interministerial mechanism to monitor the production of the equal opportunities cards has been discussed. The monitoring of the implementation of this social policy will be strengthened by the use of a participatory approach involving all key actors in the sphere of disability. There is also a support fund to assist persons with disabilities in putting their economic and particularly income-generating initiatives into practice by providing them with guidance and funding. Lastly, the High Council for Equality of Opportunities for Persons with Disabilities supports the Government in the development of national policies and sectoral strategies in all spheres relevant to disability.

308. The National Community-based Rehabilitation Programme directed by the General Directorate of Social Action provides financing guarantees for individual and group socioeconomic projects undertaken by persons with disabilities. In 2013, the General Directorate awarded CFAF 36,650,000 in subsidies to a total of 73 disability organizations and bodies.

309. In furtherance of the reform of the education system under the Ten-year Education and Training Programme, the Government launched the new Programme for Improving Quality, Equity and Transparency of Education and Training for the period 2013–2025. This important initiative was launched by the four ministries responsible for education, training, women's issues and higher education. The Programme covers all the country's specialized educational institutions in the sphere of disability. Since these institutions are insufficient in number and unequally distributed across its 14 regions, the State has launched a project to build four social reintegration centres for persons with disabilities and vulnerable groups under the supervision of the Ministry of Health and Social Action.

Article 29: Participation in political and public life

310. Like many international instruments, the African Charter stipulates that all citizens have the right to participate freely in the government of their country.

311. The Senegalese legislature recognized the fundamental freedoms of all citizens, including their civil and political freedoms, in its framing of the Constitution of 22 January 2001. This recognition gives all citizens, including persons with disabilities, the opportunity to participate in political life.

312. Article L.22 of the Electoral Code specifies that Senegalese persons of either sex who have reached 18 years of age, are in possession of their civil and political rights and are not legally incapacitated for any reason have the right to vote. There is no discrimination against persons with disabilities.

313. Senegal has put in place a system whereby persons with disabilities may be assisted to vote by another person if they are unable to do so by themselves.

314. In addition, by guaranteeing equality of opportunity for persons with disabilities, the Social Framework Act of 2010 ensures the promotion of their rights and their protection against all forms of discrimination (art. 2).

315. In the future, recommendations will be formulated concerning ways of making voting procedures more inclusive and ensuring their confidentiality.

Article 30: Participation in cultural life, recreation, leisure and sport

316. The Social Framework Act covers participation in cultural life, recreation, leisure and sport (chap. V, arts. 39 to 42). Article 39 of this law stipulates that persons with disabilities have the right to engage in sport and leisure activities, to have access to centres providing training in the arts and to have their works of art protected by the State. It is for this reason that the State, local authorities and public and private bodies adapt sport, cultural and leisure services and facilities to the specific needs of persons with disabilities.

317. In accordance with this law, public and private bodies provide the necessary sports areas, special equipment and human resources to ensure the accessibility of sports infrastructure for persons with disabilities as well as taking part in the activities of sports clubs for persons with disabilities. These same bodies grant subsidies to support the involvement of persons with disabilities in both national and international sporting competitions.

318. The private sector will be given tax incentives in order to promote the creation and renovation of public play areas operated by public and private bodies and to ensure that they are accessible for children with disabilities (Social Framework Act, art. 42).

319. The Handisport Foundation and the work of the NGO Special Olympics Senegal have made a major contribution to the social integration of persons with disabilities through sport.

Article 31: Statistics and data collection

320. Article 7 of Act No. 2004-21 of 21 July 2004 on the organization of scientific activities provides that, in the context of the collection and processing of data from surveys and censuses, bodies that produce official statistics should ensure that the publication or transmission of the results is performed in such a way that the respondents are not individually identifiable.

321. In 2002, there were 138,897 persons with disabilities out of a total population of 9,858,482, which represents a prevalence rate of 1.4 per cent. This means that 14 out of every 1,000 Senegalese had a disability of some kind at that time. The prevalence rates were 1.6 per cent for men, 1.5 per cent in rural areas and 2.4 per cent in the region of Ziguinchor (owing to the presence of mines in that region), with blindness accounting for 12 per cent of the disabilities and albinism for 0.7 per cent. The disability prevalence rate in Senegal is thus well below the 15 per cent estimated by WHO in 2011. The final results of the fourth round of the general population, housing, agriculture and livestock census became available in September 2014 and indicate that the disability prevalence rate is 5.9 per cent, which means that 59 Senegalese out of every 1,000 have a disability of some kind.

322. In order to facilitate the production of the equal opportunities cards provided for in article 3 of the Social Framework Act, the General Directorate of Social Action has set up

an information management system with a web-based interface connected to a server that automatically registers applications submitted by persons with disabilities for equal opportunities cards. In addition to serving this function, the information management system will eventually make it possible to use internationally approved research instruments for the measurement of disability rates, such as the Assessment of Life Habits and versions 1 and 2 of the International Classification of Functioning, Disability and Health. In terms of the periodic reporting process, this information management system will make it possible to provide accurate, direct disability indicators and to measure the impact of public policies for persons with disabilities.

323. One of the outcomes of the seminar on the collection of statistics relating to persons with disabilities organized in conjunction with the African Rehabilitation Institute and the African Development Bank in Cotonou, Benin, in 1999, was the inclusion of disability as a variable in the general population and housing census rounds of 2001 and 2003.

Article 32: International cooperation

324. The Ministry of Health and Social Action exercises administrative oversight in respect of organizations of persons with disabilities and fully facilitates international cooperation in this area. To that end, it works with other national bodies, particularly the Ministry of Foreign Affairs. Examples in the sphere of disability include cooperation with various bodies of the United Nations system, such as UNICEF, WHO, the International Labour Organization and UNESCO and the European Union.

325. In the area of bilateral cooperation, from 7 to 24 December 2014 the Japan International Cooperation Agency organized a second international course for young Senegalese leaders on the system for assisting persons with disabilities.

326. Senegal also works in partnership with regional and subregional African organizations, such as the African Rehabilitation Institute and the African Development Bank, and with NGOs and development agencies such as Handicap International, Belgian Technical Cooperation, the German Leprosy and Tuberculosis Relief Association, Sightsavers and Special Olympics Senegal, which have carried out major projects for the benefit of persons with disabilities.

327. In addition, since 2012, Senegal has regularly participated in the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, held at United Nations Headquarters in New York.

328. In terms of subregional cooperation in the sphere of disability, Senegal hosted the West Africa regional office of the African Rehabilitation Institute between 1990 and its official closure on 31 December 2013. The African Rehabilitation Institute is a pan-African network for workforce development and research on rehabilitation and the prevention of disability. When it was operational, the regional office helped to conduct training, disability research and reintegration activities in Senegal and other member States by funding around 40 micro-projects for persons with disabilities.

329. Senegal is also a member of the group established by the fourth session of the African Union Conference of Ministers of Social Development to wind down the work of the African Rehabilitation Institute and give consideration to the procedures to be used for setting up a new institution to replace it, which was to become operational after April 2015.

330. Senegal also hosts the headquarters of the secretariat of the African Decade of Persons with Disabilities, which implements disability action plans across the continent.

331. In the area of international cooperation, the National Orthopaedic Appliances Centre was awarded CFAF 12,996,000 by the Associazione Ex Allievi di don Gesecchi in partnership with Médecins Sans Frontières for a 2012 project for children aged under 5 years who have disabilities.

332. Between 2011 and 2014, Sightsavers awarded a total of CFAF 807,729,000 to the Department for Elementary Education of the Ministry of Education and National Programme for the Promotion of Eye Health of the Ministry of Health and Social Action.

with CFAF 182,242,997 of this amount being earmarked for inclusive education projects and CFAF 625,486,003 for projects to combat blindness. In 2013, Sightsavers, the Convergence des Aveugles pour l'unité, la solidarité et l'entraide (Association of Blind Persons for Unity, Solidarity and Assistance) (CAUSE) and the General Directorate of Social Action signed a tripartite memorandum of understanding for a social inclusion project with a budget of CFAF 68,815,000.

Article 33: National implementation and monitoring

333. As part of the Government's ongoing effort to provide the international community with consensus-based reports that provide an accurate picture of the situation on the ground, it has steadfastly upheld its long tradition of consensus-building with civil society as a basis for the preparation of credible, high-quality reports.

334. Consultations with non-State actors during the preparation of human rights reports are mandatory under the Act of 10 March 1997 establishing the Senegalese Human Rights Committee.

335. In keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), the Senegalese Human Rights Committee is independent and pluralistic. Its main role is to issue opinions or recommendations on matters relating to human rights, including reports prepared by the Government for human rights treaty bodies.

336. The preliminary drafts of these reports are drawn up by the Human Rights Directorate. They must be submitted to the national human rights institution for consideration and comment (Act of 10 March 1997 establishing the Senegalese Human Rights Committee).

337. This is followed by broad-based consultations with members of civil society, including human rights NGOs. These consultations bring this lengthy process to a conclusion and ensure that these reports will be widely distributed to the citizens of Senegal.

338. There are also seven seats for representatives of national human rights and humanitarian law bodies on the National Human Rights Advisory Council, which is attached to the Ministry of Justice. The Council is responsible for coordinating the work of preparing and submitting the periodic reports of Senegal.

339. In 2012, Senegal established the General Directorate of Social Action under the Ministry of Health and Social Action to assume responsibility for implementation and monitoring. The Directorate has three technical departments that are responsible for persons with disabilities, vulnerable groups and medical social work, respectively. In order to continue its institution-building efforts and in accordance with article 48 of the Social Framework Act, the Government plans to set up a high council for equal opportunities for persons with disabilities in order to ensure the effective implementation of the Social Framework Act in line with the Convention on the Rights of Persons with Disabilities.

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